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1603–1642

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# HISTORY OF ENGLAND

FROM THE

ACCESSION OF JAMES I.

TO

THE OUTBREAK OF THE CIVIL WAR

1603–1642

BY

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FELLOW OF MERTON COLLEGE, OXFORD, ETC.

IN TEN VOLUMES

VOL. IV.

1621–1623

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# HISTORY OF ENGLAND.

## CHAPTER XXXIII.

### THE MONOPOLIES.

So completely were men's minds occupied with questions of foreign policy in the first weeks of 1621, that if James could only have satisfied the House of Commons that he was in earnest in his intention to support the German Protestants, he might safely have looked forward to the prospect of a peaceful session. Yet there were not wanting complaints of domestic misgovernment, which might easily give rise to considerable agitation, if the Commons met in a discontented mood.

1621. January. State of feeling.

"Indeed," wrote a calm and dispassionate observer in the course of the past summer, "the world is now much terrified with the Star Chamber, there being not so little an offence against any proclamation but is liable and subject to the censure of that Court; and for proclamations and patents, they are become so ordinary that there is no end, every day bringing forth some new project or other. In truth, the world doth even groan under the burthen of these perpetual patents, which are become so frequent that whereas, at the King's coming in, there were complaints of some eight or nine monopolies then in being, they are now said to be multiplied by so many scores."[1]

Monopolies complained of.

[1] Chamberlain to Carleton, July 8, *S. P. Dom.* cxvi. 13.

The history of these monopolies is especially interesting, as the character of no less a man than Bacon is deeply affected by the judgment passed upon them. It is puerile to speak of him as if he could be untouched by the result. Many of them passed the Great Seal whilst it was in his hands. Some of them were backed by his recommendation; and the most unpopular of them received his thorough support, at a time when other men were hanging back from fear of the clamour raised against them. If he really thought as badly of them as modern historians have thought of them, Pope's notorious line would be true to the letter. He must have been, in sober truth, "the meanest of mankind."

Bacon's connection with them.

If we wish to know what the views of Bacon and other officers of state really were, the first thing to be done is to consult the original patents. No doubt there is much which will not be learned there. We shall not find any light thrown on the personal motives of those through whose influence they were obtained. But if we find a large number of official declarations spread over a long series of years, and emanating from men who differed from one another in character, in position, and in political opinion, we shall be able to discover whether they contain indications of a settled policy, or are mere makeshifts put forward to cover the greed of unprincipled courtiers.

Of the patents subsequently complained of there were two, the patent for inns and the patent for alehouses, which were specially objected to, partly as encroaching upon the jurisdiction of the justices of the peace, and partly as having been made the excuse for gross injustice and oppression.

The patent for inns had been originally suggested by the notorious Sir Giles Mompesson, a kinsman of Buckingham, whose fertile brain teemed with projects by which his own purse was to be replenished and the public benefited at the same time. At first sight, indeed, there was much to be said for his scheme; for he proposed that a commission should be issued for the purpose of granting licences to inns. The innkeepers would thus be brought

1617. The patent for inns.

under control. They would be prevented from charging extravagant prices for the food which they served out to their guests. At this point, however, a legal difficulty arose, as it was plain that the justices of the peace had no power to grant such licences. But it was not certain whether such a power did not reside in the justices of assize, and it was upon their authority that the whole plan was founded. The Commissioners were to make out the licences, and the justices of assize were, by their signature, to give validity to these documents, of the merits of which they were totally unable to judge. The legal question had been brought before Bacon, when he was still Attorney-General. Unwilling to take the responsibility upon himself, he asked that three of the judges might be associated with him in the inquiry. The result was a unanimous report in favour of the plan. The question of its general policy was then submitted to Suffolk, Montague, Winwood, Lake, and Serjeant Finch, and these men, differing from one another in character and in politics, concurred in recommending the adoption of the scheme.[1]

The patent was accordingly drawn up, nominating Mompesson and two other persons as commissioners for the purpose.[2] It was one of those which were brought to the bedside of the dying Ellesmere, and which he, either from dislike of the grant itself, or as is more probable, merely in order to force the King to accept his resignation, refused to pass. The Great Seal was accordingly affixed to it by the King's special direction, before the new Lord Keeper was appointed.

Bacon's part in the matter, it will thus be seen, was confined to the opinion which, in common with others, he ex-

Bacon's part in it.

pressed upon the legality of the patent. No doubt such an opinion was in direct opposition to that at which the judges arrived seven years afterwards.[3] Yet it does not appear that his view of the case differed much from

[1] Bacon to Buckingham, Oct. 18, 1616, *Letters and Life*, vi. 361. Charge of the Commons against Mompesson, *House of Lords MSS.*

[2] Commission to Mompesson and others, *Patent Rolls*, 14 Jac. I Part 22.

[3] Hutton, *Rep.* 100.

that which commended itself generally to lawyers at the time,[1] and it is certain that Coke, who, of all men in England, was most likely to have opposed Bacon on a legal question, distinctly stated it to be his opinion that the patent was good in law.[2]

However this may have been, it soon appeared that the scheme was intolerable in practice. Mompesson and his fellow-commissioners were responsible to no one. No scale of payments had been settled by the patent, and it was therefore their interest to grant as many licences as possible, and to sell them as dearly as they could. Though it had been arranged that the money collected was to go into the Exchequer, it seems for the most part to have found its way into Mompesson's pocket. It was not long before men were talking all over England of the ease with which keepers of disorderly houses contrived to obtain licences from the commissioners, and of the harsh and oppressive treatment of those who refused to conform to their demands.[3]

Abuses of the Commissioners.

Whatever arguments might be used in defence of the exercise of a supervision over inns, applied with double force to the attempt to bring under a strict control the petty alehouses, which might so easily degenerate into haunts of thieves and drunkards. It was a subject which had long attracted the notice of Parliament. By an Act passed in 1552,[4] alehouse-keepers were required to be licensed by the justices of the peace, and this licence they could only obtain by entering upon recognisances for the maintenance of good order. The first Parliament of James had passed no less than three acts for the restraint of drunkenness.[5] The efforts of Parliament had been seconded by the Council. In many parts of the country the justices had been careless of

1618. The patent for alehouses.

[1] Balstrode, *Rep.* i. 109. Viner's *Abridgment*, xix. 437. Article Inns, sec. 9.

[2] *Proceedings and Debates*, i. 65.

[3] On this subject I have given full particulars in a paper on Bacon's letters to Christian IV. *Archæologia*, vol. xli.

[4] 5 & 6 Ed. VI. cap. 25.

[5] 1 Jac. I. cap. 9; 4 Jac. I. cap. 5; and 7 Jac. I. cap. 10.

their duties, and had granted licences in profusion. They had accordingly been admonished to be more careful in future.[1] Certain forms were to be observed in the granting of licences, and the proceedings were to be certified to the Council. A small fee was to be charged upon the licences, for the benefit of the Exchequer. Against this latter innovation, the Commons protested in 1610, as an infringement of their rights of taxation; and the order for the fee was at once withdrawn. As, however, no objection was raised to the demand for a certificate to the Council, it is to be inferred that no scruple was felt on that score.[2]

Still, in spite of all that the Council could do, the number of alehouses increased. In 1616, James complained bitterly of the evil.[3] These houses, he said, were the lurking-places of thieves and desperadoes. They even afforded shelter to deer-stealers. At last some one proposed that he should take them under his own supervision. There was, it was true, a legal difficulty in the way, as the right of granting licences was vested by Act of Parliament in the justices of the peace. But, a device was discovered by which the Act could be circumvented. The justices were to continue to grant the licences, and to take the recognisances; but the recognisances, as soon as they were taken, were to be certified into the King's Bench. Two persons, Dixon and Almon, were nominated by patent to keep an eye upon offenders, and to see that those alehouse-keepers who deserved punishment did not escape through the undue leniency of the justices.

Some arrangement of the kind may possibly have been needed in many parts of the country, but the method adopted conveyed a deadly affront to the country gentlemen, who were held to be incapable of keeping order in their own neighbourhood. Nor was the ill-feeling aroused likely to be allayed when it was known that the forfeitures accruing to the Exchequer from the activity of the patentees were already shared in

[1] The King to the Mayor and Justices of Southampton, March 30, 1608, *Cott. MSS.* Tit B. iii. fol. 1.

[2] *Cott. MSS.* Tit. B. iii. fol. 2.

[3] Speech in the Star Chamber, King James's *Works*, 522.

advance by half-a-dozen courtiers, amongst whom the name of Christopher Villiers was conspicuous.[1]

Monopolies.

Patents of this character were objectionable on many grounds. Far greater indignation was, however, directed against those which conferred grants to which the hated name of monopoly could be affixed. Yet a careful examination of these grants will convince us that they were not open to the charges which are habitually brought against them. They

[1] Grant to Dixon and Almon, March 11, 1618, *Patent Rolls*, 15 Jac. I. Part 23. Buckingham to Bacon, Jan. 11. Bacon to Buckingham, Jan. 25, 1618, *Letters and Life*, vi. 289, 294. The following notes show that after the patent was granted the affair was laid before the judges :—

"Conference of the King with the judges at Greenwich, June 28, 1618.

"Then touching alehouses there was a project, as it seems, delivered to the King, which he read ; whereupon it was thought fit (because it was said that the Justices of the Peace were to blame, either in not taking or not certifying their recognisances) that therefore no licences should be granted but in open sessions, and that they should be of the sufficienter sort of men.

"But where it was now put in practice that all such recognisances were by certiorari fetched into the King's Bench, it was holden very inconvenient, for it is said that every recognisance brought in doth cost in fees more than 20*s.* there. When they are there, they are asleep ; for who can come hither to inform the breach? It was used for a favour when a recusant was indicted, to remove the indictment into the King's Bench ; for that made a surcease of proceedings. And when the pretence was that recognisances were not returned, and that this way should discover that abuse :—Nihil minus ; for how shall they know what recognisances are wanting, except they be sure of all the alehouses licensed through the several shires, which is impossible for the judges ever to take knowledge of. But in the several counties it is not hard both to know all the faults both in the justices and in the alehouses, and to punish and redress them, and therefore the law left them there to be prosecuted.

"In the end his Majesty left it to the consideration of the judges in point of conveniency touching this new use of recovering the recognisances."—*Tanner MSS.* lxxiv. fol. 79.

Unfortunately we have not the final answer of the judges. But it will be seen that no point of law was raised against the patent, and that though the opinion of the judges, so far as it went, was adverse, there was no attempt to override it, but that the question was left to their further consideration.

were not made with the object of filling the Exchequer. They were not made, primarily, at least, with the object of filling the pockets of the courtiers. They were, it is impossible to doubt, the result of a desire on the part of official persons to encourage commerce, and to promote the welfare of the State, though it cannot be denied that their zeal was often greater than their knowledge, and that their best efforts were not unfrequently tainted by that atmosphere of favouritism and corruption which clung like a dank exhalation to everything that was best at the Court of James.

Theories held on them.

The general principle almost universally recognised at this time on the subject of monopolies, was much the same as that which has lain at the root of all subsequent legislation on the subject. As a rule, such grants were held to be illegal, as encroaching upon the rights of the subject to the exercise of his trade. Exceptions might be made whenever anyone either invented or introduced from other countries a new method of manufacture. By such a grant no one, except the purchaser, would be injured; and even he would, in the long run, be compensated for the high price which he would at first be called upon to pay, by the cheapness which would be the eventual result of enterprise and invention.

This rule having once been laid down, it is evident that there would be considerable difference of opinion as to the proper mode of applying it in practice. The great body of purchasers would demand that it should be interpreted as strictly as possible, and that nothing beyond the actual invention should be covered by the guarantee; whilst the official, who had to consider the propriety of making the grant, might either be induced through negligence to encourage a lax interpretation of the rule, or might even, from a mistaken sense of duty, be led to stretch the concession so as to cover manufactures which were not in any sense new inventions, but which it was thought to be in accordance with the public interest to place under a special supervision.

Of the many grants of this nature which are to be found upon the Patent Rolls, there are not a few which never provoked

any adverse criticism at all. They were mere protections to new inventions, such as might be granted at the present day. But the features of others were more or less objectionable. In 1616, two men named Bassano and Vandrey asked for a patent on the ground that they had invented a method by which fish might be kept alive in boats, thereby enabling them to bring salmon and lobsters from Ireland to the London market. Their petition was supported by the Company of Fishmongers, and they obtained a patent, granting to them the sole right of bringing in fish from such rivers and seas as had not hitherto furnished supplies to the population of London. It was a patent which would not indeed be in accordance with modern practice; for it was always possible that it might prevent some other person from attaining the same result by a different and improved method; but practically no great harm would have been done, if the patentees had kept within the letter of their privilege. They soon found that it was easier to plunder poor fishermen than to establish extensive fisheries in Ireland. Their agents lay in wait for the boatmen at the mouth of the Thames, and ordered them to make over to them the contents of their lobster-pots for a mere pittance, far below the value of the fish, in order that they might themselves sell them at a monopoly price.[1]

1616. Salmon and lobsters.

Such grievances were widely felt. But they were caused rather by the difficulty of obtaining redress from a patentee than by the inherent defects of the patents themselves. There were other cases calculated to rouse far deeper indignation; for in these it seemed that the rule, which was generally accepted, had been deliberately broken through. It will be sufficient to mention two instances: that of the patent for the manufacture of glass, and that of the patent for the manufacture of gold and silver thread.

1620.

In 1574, an attempt was made by a Venetian, named Versellini, to rival in England the products of the world-famous

[1] Grant to Bassano and Vandrey, Jan. 27, 1616, *Patent Rolls*, 13 Jac. I., Part 16, *Proceedings and Debates*, i. 295.

glass-works of Murano. A patent had been granted to him by Elizabeth, conferring upon him the sole right of making such glass in England. Upon the expiration of the patent it had been re-granted to Sir Jerome Bowes.[1]

1574. The manufacture of glass.

The glass thus made had been produced in furnaces heated with wood. In 1611, Sir Edward Zouch and three other persons obtained a patent for a process which enabled them to use coal.[2] In 1613, Zouch and his partners applied for an extension of their powers. They had been originally directed not to infringe upon Bowes's patent, and they had accordingly confined themselves to the manufacture of the commoner kinds of glass. They now stated that their furnaces had been put to the test of experience, and were answering their purpose admirably. They had spent 5,000*l.* in the process, and they could not expect to recover their expenses unless the whole manufacture were placed in their hands by the overthrow of all existing patents except their own.

1611.

1613.

As a mere matter of political economy, no demand could be more outrageous. But to the Privy Council it was something more than a mere matter of political economy. For some time the waste of wood in England had attracted attention, and fears were frequently expressed that unless some remedy were provided, it would soon be impossible to find timber for the navy. Bowes was accordingly informed that his patent was injurious to the commonwealth. After some negotiation, a compromise was effected. A new patent was granted to his rivals, by which a rent of 1,000*l.* a year was reserved to the Crown; and this sum was made over to Bowes

[1] Grant to Versellini, Dec. 15, 1574, *Patent Rolls*, 17 Eliz., Part 13. Grant to Bowes, Oct. 5, 1606, *Patent Rolls*, 4 Jac. I., Part 21. Its reversion was granted to Hart and Forset, Oct. 8, 1607, *Patent Rolls*, 5 Jac. I., Part 24. On Feb. 15, 1609, there was a grant to Salter for making certain glass, not mentioned in Bowes's patent.

[2] Grant to Zouch and others, March 25, 1611, *Patent Rolls*, 9 Jac. I., Part 29.

in the form of an annual pension from the Exchequer.[1] In 1615, several fresh names were introduced into the patent,[2] amongst which are to be found those of the Earl of Montgomery and Sir Robert Mansell. It was well understood that the accession of one or two persons possessing influence at Court might easily be worth many thousand pounds to the patentees.

1615.

One other step remained to be taken. Up to this time, if English glass could only be bought from the patentees, it was still possible, upon payment of a heavy duty, to obtain glass from the Continent. This was no longer to be allowed. On May 15, 1615, a proclamation appeared, forbidding the further importation of foreign glass.[3]

The history of this patent is well worth studying by those who think that the monopolies were solely the work of Buckingham and Bacon. It will be seen that, before Buckingham had risen into favour, and before Bacon had received the Great Seal, a monopoly was granted which placed the entire sale of glass in the hands of a single body of patentees; and that that body consisted in part of idle courtiers, in part of men whose sole claim was that they had discovered a mode of producing glass by which, without special protection, it would be impossible for them ever to make a profit. It was at least alleged that the scale was turned in their favour by considerations of public policy.

Comparatively few objections were raised against the monopoly of glass. In 1624, it was specially exempted from the operation of the Act against monopolies. Against the patent for the manufacture of gold and silver thread, on the other hand, a storm of indignation was raised which has hardly yet subsided. If all that is said of it be true, Bacon's character as an honest man is irretrievable. The investigation into the facts of the case, therefore, assumes a special importance.

1611. Gold and silver thread.

[1] Grant to Zouch and others, March 4, 1614, *Patent Rolls*, 11 Jac. I., Part 16. Suffolk to Lake, Nov. 17, 1613, *S. P. Dom.* lxxv. 9.

[2] Grant to Montgomery and others, Jan. 19, 1615, *Patent Rolls*, 12 Jac. I., Part 3.

[3] Proclamation, May 23, 1615, *S. P. Dom.* clxxxvii. 42.

During the early years of James's reign, the gold and silver thread used in making lace was imported from the Continent.

The first patent.

Attempts had been made to introduce the manufacture into England; but they had been conducted on a very small scale, and they do not appear to have given rise to any serious competition with the imported commodity. At last, at Lady Bedford's request, Burlomachi, the great capitalist of the day, brought over to England a Frenchwoman, named Madame Turatta, who engaged to give lessons in the manufacture;[1] and an application was made, under Lady Bedford's patronage by four persons, named Dike, Fowle, Phipps, and Dade, to be protected by a patent. They intended, they urged, to introduce the manufacture on a considerable scale, and thereby to give work to Englishmen, which had hitherto been in the hands of Frenchmen and Italians. They engaged to make over a share in the patent, or, according to other accounts, a sum of 1,000*l.* to Lady Bedford, as a reward for the part which she had taken in bringing Madame Turatta into the kingdom. Their application was successful; and in 1611 the patent for which they asked was granted.

It was not long before attempts were made to infringe upon this patent. In 1613 and 1614 we find Sir Henry Montague, at that time Recorder of London, imprisoning offenders and taking away their tools. The attention of the Council was accordingly drawn to the question. Both sides were heard, and a long and anxious deliberation ensued. For no less than seven-

1616. The second patent.

teen months Ellesmere refused to affix the Great Seal to a new patent which had been drawn up. At last he gave way, satisfied, it would seem, that the manufacture was practically a new one, and that in it lay the only chance of competing with the Continent.

The new patent was made out in the names of Dike,

[1] Lady Bedford's part has hitherto been enigmatical, and I had supposed in my paper on this subject in the *Archæologia*, that it was an ordinary case of Court favour. But the difficulty is cleared up by a passage in Yelverton's Defence, April 30, 1621, as given in *Elsing's Notes* (Camden Society), 43.

Fowle, and Dorrington. They were to have, for twenty-one years, the sole right of making gold and silver thread as it was made in France and Italy. In return, they were to engage to import bullion to the yearly amount of 5,000*l.*, and to pay to the King a rent equal to the sum which he obtained from the duty upon importation, which might now be expected to fall off in consequence of the growth of the domestic manufacture. The Privy Council, it was said in explanation, had examined the truth of the allegation that the thread in question had been made by others before the grant of the first patent, and had come to the conclusion that, though the manufacture 'had been formerly in handling and endeavoured to be settled within this kingdom,' it had 'never been established and perfected within this realm, nor constantly or openly used before the granting of the said letters patent.'

Share taken by Sir E. Villiers.

The patentees knew as well as the patentees for the monopoly of glass the value of Court favour, and they gladly welcomed the accession of Sir Edward Villiers, the half-brother of the rising favourite, who consented to invest 4,000*l.* in the undertaking.

1617. Resistance to the patent.

From some cause or other the business did not prosper. The goldsmiths, who had been heard at the council-table previously to the grant of the second patent, persisted in maintaining its illegality, and in refusing to abandon the manufacture. In April, 1617, Sir Edward Villiers brought the complaints of the patentees before his brother and the King. On April 16, Buckingham wrote to Yelverton requesting him to support the patent. About the same time the affair was commended by the King to the consideration of the Council; and on the 25th Yelverton was instructed to lay an information in the Court of Exchequer against the offenders.

Proceedings were accordingly commenced, but the attempt to obtain a legal decision was speedily abandoned. Scarcely had the bill been filed in the Exchequer, when Villiers and Fowle brought Yelverton a letter written by the King, who was at that time in Scotland, ordering him to commit the offenders to prison, in what capacity does not appear. This

letter, he afterwards stated, 'he kept by him, thinking the King not well informed.'

In due course of time James returned to England. A project was adopted which, it was hoped, would inspire offenders with greater terror. The manufacture was to be taken altogether into the King's hands. Fowle became the agent of the Crown. The profits were to be the King's, and out of these a pension of 500*l.* a-year was to be allowed to Sir Edward Villiers, who had sunk 4,000*l.* in the scheme; and another pension of 800*l.* a-year to Christopher Villiers, for no reason at all.

1618. The monopoly taken into the King's hands.

A proclamation, authorising this arrangement, was issued on March 22, 1618. Its substitution for the patent of 1616 was a virtual acknowledgment that the case of the Government was legally untenable, and that the Court of Exchequer could not be depended upon to support its claims. Yet the act, unjustifiable as it seems to us, was undoubtedly in great measure Bacon's own.[1] He was now, for the first time, consulted in the business. With the grant of the monopoly itself, Bacon had nothing to do. In 1616, as in 1611, the Great Seal had been in Ellesmere's hands. But the step now taken went so far beyond the mere grant of a monopoly, that it becomes important to inquire what Bacon's motives were.

Part taken by Bacon.

It is true that a sentence has frequently been quoted from Bacon's writings which is supposed to preclude the necessity of any further inquiry. In 1619 or 1620 he drew up, perhaps only for his own use, an enlarged copy of the paper of advice which he had presented to Buckingham in 1615, when he was no more than a rising favourite. In its new shape the paper contains a warning that 'monopolies, which are the cankers of all trading, be not admitted under specious colours of public good.' Even if it be admitted, as is probably the case, that the insertion of this sentence implies some suspicion that under Buckingham's protection a system was growing up which threatened to develop a positive injury to trade, it does not necessarily imply a condemnation

His opinions on monopolies.

[1] Yelverton subsequently spoke of him as 'mending many points therein with his own hand.'

of all that had already been done with Bacon's sanction, and even in some cases with his warm support. Sweeping expressions of this kind, by whomsoever put forth, are certain to be mentally accompanied by limitations which are forgotten by later generations. In truth, it would be as reasonable to charge with inconsistency any one amongst the numerous agitators who, within our own times, declaimed against the Corn Laws as a monopoly, because he took out a patent for a newly invented machine, as it is to speak of Bacon as necessarily contradicting his own principles by his conduct on this occasion. In 1621, Yelverton declared before a hostile audience his belief that this patent was no monopoly;[1] and, though no similar expression from Bacon's lips has reached us, there happens to be a curious piece of evidence which indirectly shows what his opinion was. In 1619 a declaration which had, many years before, been issued for the guidance of suitors, was reprinted. It contained information as to the classes of suits which the King bound himself to reject, and at the very head of these classes occurs the word "monopolies." Is it conceivable that this declaration could have been published without Bacon's knowledge? And if he had believed that the grants in question were monopolies in the objectionable sense of the word, would he not have obtained the suppression of the condemnatory document?

Already in the House of Commons, in 1601, Bacon had declared his opinion on the subject. He had there spoken of patents as commendable in cases in which 'any man out of his own industry or endeavour finds anything beneficial for the commonwealth, or brings in any new invention,' meaning, it would seem, introduces it from a foreign country.

Patents for manufactures introduced from abroad.

Nor is this concession of an equality of privilege to original inventors and to persons who merely introduce an invention from a foreign country peculiar to Bacon. Its principle was taken for granted by both sides in the conflict which ensued. It was left un-

[1] "He never conceived it to be a monopoly, nor doth . . . . He never thought it a monopoly." Yelverton's Defence, April 30, 1621, *Elsing's Notes*, 43.

touched by the statute of monopolies in 1624, and it is to this day held by lawyers to be in accordance with the law of England.[1]

Accordingly the objection raised in the following session against the patents of 1611 and 1616 was not that they conferred a monopoly upon a manufacture introduced from abroad, but that, in point of fact, the manufacture was not introduced by the patentees at all. To do them justice, those who spoke on behalf of the Government always acknowledged that, according to the strict letter of the law, this was true. Gold thread, they said, had been manufactured in England before. Stripped of its technicalities, their language amounts to this :—Though the patentees were not the first to make the thread in England, they were the first to set up a manufacture on a sufficient scale to compete with the importation from the Continent. The object of the grant had not been primarily to reward the patentees, but to benefit the nation ; and, if it had been shown that, owing to the efforts of the patentees, the manufacture could be introduced on a large scale into England, the Government had been justified in overriding the claims of those whose labours, whatever they were, had failed in bringing the manufacture into English hands.

Such ideas, which had justified the monopoly in the eyes of Ellesmere, were likely to have their full weight with Bacon. Yet it must be acknowledged that, in refusing to submit his case to the Court of Exchequer, he could hardly fail to have been led by stronger reasoning. Nor is it difficult to discover what that reasoning was. To him and to his contemporaries a trade in gold and silver stood upon a peculiar footing. To us a dealer in the precious metals is no more than a dealer in cotton or iron. To the men of the seventeenth century he was a dealer

[1] By the statute of monopolies patents for fourteen years may be granted for the 'sole working or making of any manner of new manufactures within this realm.' The interpretation put upon this is, that 'a person who first imports an invention publicly known abroad into this country is the first inventor within these realms.' Chitty, *Collection of Statutes*, ed. 1853, iii. 445, note *b*

in the very wealth of the country. To allow gold and silver to be tampered with by artisans who were under no supervision, was to authorise the most unblushing robbery of the commonwealth. The patentees had offered to meet the difficulty. They had engaged to import 5,000*l.* worth of bullion every year, and the King's agents would of course inherit the engagements of the patentees. If wealth were to be frittered away in adorning the dress of fine ladies and fine gentlemen, it should be the wealth of Spaniards and Frenchmen, and not the wealth of Englishmen. Such arguments sound strange enough to us, but we cannot hope to arrive at truth if we do not take them into consideration.

The Act of Henry VII.

In an Act of the reign of Henry VII., Bacon found the weapon that he needed. The goldsmiths had urged that they had made gold thread before Dike and Fowle. The reply of the Government was that, if this was the case, they had broken the law; for the law expressly forbade any goldsmith to melt or sell gold and silver except for certain special objects, amongst which the manufacture of gold or silver lace was not to be found. The action in the Court of Exchequer had therefore become irrelevant, and as no one else had a right to make the thread, the King might properly take the manufacture into his own hands.

The first commission.

That in pursuance of a great public object Bacon should have thought himself justified in raking up an obsolete statute is easily conceivable. But it must have required all his belief in the prerogative to bring him to consent to set aside entirely the jurisdiction of the ordinary law courts by the issue of a commission for the discovery and punishment of offenders against the proclamation.

Imprisonment of workmen.

It was not long before the new Commissioners, the most active of whom was Sir Francis Michell, were hard at work. Instruments were seized and artificers imprisoned on every side. Yet even these stringent measures were insufficient to suppress competition. The King was again appealed to, and, upon the advice of Bacon, Montague, and Yelverton, a fresh commission was issued in October, increasing the powers of the members and authorising

the prosecution of offenders in the Star Chamber. Several new names were added to the list of Commissioners, amongst others, that of the notorious Mompesson, whose unscrupulous energy in carrying out the patent for inns marked him out as a person who would render good service in hunting down the opponents of the monopoly of gold and silver thread.

Second commission.

A prosecution was accordingly commenced in the Star Chamber; but, for some reason or another, it was not proceeded with. On the other hand the Commissioners were more active than ever. In the spring of 1619 there were fresh imprisonments; houses were broken into, and tools and engines seized.

1619. Renewed imprisonment.

It was at this time that a new plan was suggested to James by Bacon and Montague.[1] The goldsmiths and silkmen, they thought, might be required to enter into bonds not to sell their wares to unlicensed persons. The King accepted the proposal, and wrote a letter recommending it to the Commissioners.[2] Mompesson and Michell at once hastened to carry the scheme into execution. Five silk-mercers were brought before the commission. Mompesson told them that if they refused to seal the bonds 'all the prisons in London should be filled, and thousands should rot in prison.' Those, however, who were interested in the monopoly were anxious to secure higher authority on their side than Mompesson and Michell. Yelverton was one of the Commissioners, and his support would be worth having; but it was known that, frightened at the irritation aroused, he was growing cold in the affair. Sir Edward Villiers accordingly visited him, hoping to spur him on to action. The business, he said, lay a bleeding, and if he did not help him all would be lost. Yelverton hardly knew what to do. He was afraid of giving offence to Buckingham, and he was no less afraid of giving offence to everybody else. At last he decided upon a middle course. He committed the silk-mercers to the Fleet, but at the same time threw the whole burden of the responsibility upon

Bonds forced upon the goldsmiths and silkmen.

[1] *Elsing's Notes*, 43. [2] *Ibid.*

Bacon. If the Lord Chancellor, he said, did not confirm the commitment, he would instantly release them. Bacon, who never shrank from responsibility, had the men brought before him, heard what they had to say, and sent them back to prison.

The whole City was in an uproar. Four aldermen offered to stand bail for the prisoners in 100,000*l.* A deputation was sent to the King, who, after listening to the objections against the proceedings of the Commissioners, answered that he would not govern his subjects by bond, and ordered the men to be set at liberty.[1]

Such, at least, is the story in the only form in which it has come down to us. It rests upon Yelverton's evidence, which Bacon never had an opportunity of correcting. It is of course possible that Bacon, with his high ideas of the prerogative, might have felt it right to commit the prisoners simply for contempt and that he may have cheerfully acquiesced in the appearance of the King upon the scene, to smooth down the asperities which had been the result of the conduct of the Commissioners.[2] However this may have been, the concession thus made was not the commencement of any change of policy. On October 10, a fresh proclamation was issued, authorising the continuance of the system.

Second proclamation.

"Whereas," such was the preamble of the proclamation, "the art or mystery of making gold and silver thread (a commodity of continual use in this our kingdom of England) hath formerly been used and made by strangers in foreign parts only, and from thence transported into this our realm, but of late hath been practised by some of our loving subjects, who

[1] The fact that the liberation by the King occurred at this stage of the proceedings, which was a matter of inference before, is placed beyond doubt by a passage in Serjeant Crewe's statement before the House of Lords on April 18, 1621. "The second proclamation came after the commitment and the King's enlargement."—*Elsing's Notes*, 5. In the printed volume this stands: "The two proclamations," &c. I have not the MS. to refer to, but I suspect the words as here given are correct. They were taken from the original by myself, and if the other reading is right, Crewe must have said what was obviously untrue.

[2] See Mr. Spedding's remarks in Bacon's *Letters and Life*, vii. 205.

by their great charge and industry have so well profited therein, and attained to such perfection in that art that they equal the strangers in the skilful making thereof, and are able by the labours of our own people to make such store as shall be sufficient to furnish the expense of this whole kingdom :—And whereas we, esteeming it a principal part of our office as a king and sovereign prince to cherish and encourage the knowledge and invention of good and profitable arts and mysteries, and to make them frequent amongst our own people, especially such wherein our people may employ their labours comfortably and profitably, and many thereby may be kept from idleness, hereby to preserve and increase the honour and wealth of our State and people :—And finding that the exercising of this art or mystery (considering the continual use of bullion to be spent in the manufacture thereof) is a matter of great importance, and therefore fitter for our own immediate care than to be trusted into the hands of any private persons, for that the consumption or preservation of bullion, whereof our coins, the sinews and strength of our state, are made, is a matter of so high consequence as it is only proper for ourself to take care and account of :—We have heretofore, to the good liking of the inventors thereof, taken the said manufacture of gold and silver thread into our hands, and so purpose to retain and continue it, to be exercised only by agents for ourselves, who shall from time to time be accountable to us for the same."

These words may fairly be taken as Bacon's defence of himself. It is impossible for any candid person to read them without coming to the conclusion that he was contending for a great public policy. That his policy was erroneous there can be no doubt whatever. It was not really of the slightest importance that bullion should be kept within the realm by artificial means. It was of the very highest importance that questions arising from royal grants should not be withdrawn from the jurisdiction of the ordinary courts, to be placed in the hands of a Royal Commission. But in justice to Bacon it must be remembered that his constitutional theory was never fairly carried out. He would have assigned large powers to the Crown, but he would have kept those powers

Bacon's policy.

from being used abusively, by providing that the King should be constantly enlightened by frequent Parliaments. According to him the constitutional relation between the Crown and the representatives of the people was very similar to that which prevailed in France under the Second Empire. That such a relation is in the long run untenable, it is impossible to doubt. In England it never had a fair chance. James took one half of Bacon's policy, and rejected the other.

The system thus formally authorised was rigorously carried out. Unlicensed packets of thread were seized in every direction. Bonds were forced upon the unwilling silkmen. In spite of all that was done, the manufacture did not pay. The bullion which was to have been imported was not imported. The coin of the realm was melted down. The City was in a state of increasing exasperation, and no result had been obtained.[1]

Failure of the monopoly.

Such was the state of feeling on the subject, when Bacon, in common with the two Chief Justices, was called upon to consider the course to be adopted in meeting the expected Parliament.[2] He saw how unpopular many of the patents had become, and in accordance with his wise principle that the strength of the Government depended on its capacity for leading the country, he recommended that the patents should be examined by the Privy Council, and that those of them against which just exception could be taken should be called in.[3] In a private note written at the same time to Buckingham, he pointed out that his brother Christopher and some of his followers were interested in the most obnoxious patents, and urged him to 'put off the envy of these things.' In themselves they bore 'no great fruit,' and it would be better to

1620. November. Bacon's advice to withdraw some of the patents.

[1] I have printed many of the principal documents on this subject in a paper, "On four letters from Lord Bacon to Christian IV.," in the 41st volume of the *Archæologia*, where will be found references to further evidence.

[2] Burton to Carnsew, Nov. 4, *S. P. Dom.* cxvii. 55.

[3] Bacon, Montague, and Hobart to Buckingham, Nov. 29, *Letters and Life*, vii. 142.

'take the thanks for ceasing them, than the note for maintaining them.'[1] Buckingham, it would seem, refused to be convinced. The question was discussed in the Council, and was decided against Bacon. The patents were to be left to Parliament, to deal with as it pleased. In other words, the King, in domestic matters as well as in foreign affairs, was to abdicate the highest functions of government, and to present himself to the Houses without a policy.

December. His advice rejected.

"The King," wrote Bacon to the favourite, "did wisely put it upon a consult, whether the patents were at this time to be removed by Act of Council before Parliament. I opined (but yet somewhat like Ovid's mistress, that strove, but yet as one that would be overcome), that Yes."[2] The words were characteristic of the writer. Of open relinquishment of his own opinions, or of deliberate action in contradiction to them, he may fairly be acquitted. There can be as little doubt that he regarded the patents as in the main good things in themselves, as that he held it to be unwise to persevere in the face of the opposition which they had provoked. Bacon's policy had chiefly been brought into discredit by the profit which accrued from them to the King and to the courtiers. As far as the public feeling was concerned, it was of little importance that this profit was not great. From the whole number of them the Exchequer was not the richer by so much as the modest sum of 900*l.* a year.[3] It cannot be shown that a single penny found its way into Buckingham's pocket. Sir Edward Villiers, indeed, received a guarantee of a pension out of the patent for gold and silver thread; but this pension was nothing more than a fair dividend upon the money which he had actually invested. Whether it was paid or not, we do not know, but we do know that, though a pension of 800*l.* a year was secured

Profits of the courtiers.

[1] Bacon to Buckingham, Nov. 29, *Letters and Life*, vii. 145.

[2] Bacon to Buckingham, Dec. 16, *ibid.* vii. 151.

[3] In the paper in the *Archæologia*, I quoted an estimate (*S. P. Dom.* cx. 35), of 1883*l.* of which 1000*l.* came from the glass patent. The latter sum should not, however, have been reckoned, as it was paid out again in the pension to Bowes.

upon the same patent to Christopher Villiers, the whole affair turned out so badly, that in reality he received no more than 150*l.* during the whole existence of the monopoly.[1] An uncertain sum was also reserved to Christopher Villiers out of the patent for alehouses. Lord Purbeck, the remaining brother, received nothing. It was amongst the courtiers of the second and third rank—the royal cupbearers and the gentlemen of the bedchamber—that the booty, such as it was, was for the most part divided.

Small as was the sum brought by the monopolies into the pockets of Buckingham's followers, it was still enough to make him take a personal interest in their maintenance, infinitely more vehement than the political interest which was felt by Bacon. Already it was known that to be lukewarm in the defence of the monopolies, was to offer a direct insult to Buckingham. The weight of his indignation now fell heavily upon Yelverton. No one, it might be thought, was less open than the Attorney-General to a charge of slackness in defence of the prerogative. He was no hunter after popularity. In 1610 he had spoken warmly in defence of the Impositions. In 1616, he was standing at Bacon's side in opposition to Coke. He had lately assented to the patent for gold and silver thread. But, if his opinions were courtly, his nature was rugged and independent. He had owed his advancement to the favour of the Howards, and he had submitted with impatience to the yoke of Buckingham. Against the patents themselves he had raised no objection when an objection would have availed ; but his indignation was roused by the interference of Buckingham's brothers, and of Buckingham's dependents. The course which he adopted was the worst possible for himself. He disgusted the nation by lending his name to everything ; he disgusted the Court by the reluctant and perfunctory manner in which he carried out the bidding of the favourite.

Disgrace of Yelverton.

As usual, Buckingham looked upon all opposition as a personal insult to himself. No revenge was beneath his dignity. He took care that the lucrative business which was looked

[1] Dike's examination, *Proceedings and Debates*, i. 127.

upon as the perquisite of the Attorney-General should find its way into other channels. An opportunity soon presented itself for striking a heavier blow. In drawing up a new charter for the City of London, Yelverton inserted clauses for which he was unable to produce a warrant. The worst that could be said was that he had, through inadvertence, misunderstood the verbal directions of the King. Although no imputation of corruption was brought against him, he was suspended from his office and prosecuted in the Star Chamber. He was there sentenced to dismissal from his post, to a fine of 4,000*l.*, and to imprisonment during the Royal pleasure.[1]

His sentence in the Star Chamber.

In regular succession the place vacated by Yelverton was occupied by Coventry. Heath became Solicitor-General; and this time the City was forced to accept Shute as its Recorder, in the place of Heath. It was soon whispered that something more than mere favouritism had led to these last appointments. Heath and Shute, it was said, had agreed to relinquish to Buckingham the pensions which were paid to them as the price for the use of their names in that office in the King's Bench which had practically been granted to himself.[2] Fortunately for the citizens, they were soon set free, by Shute's death, from their disreputable Recorder, and in Heneage Finch they obtained a successor of a very different character.

Legal promotions.

For two years Montague had been grasping at promotion of another kind. He had never felt himself thoroughly at home in Coke's seat, and soon after the dismissal of Suffolk, he had not scrupled to offer 10,000*l.* to the favourite for the Treasurer's staff.[3] At the time his offer was rejected, as the King wished that the state of the finances should undergo a thorough investigation before a new

December. Montague becomes Lord Treasurer.

[1] Chamberlain to Carleton, June 28, July 8, Sept. 9, Oct. 28. Speech of Sir H. Yelverton, Oct. 27. Locke to Carleton, Nov. 11. —— to ——, Nov. 15, *S. P. Dom.* cxv. 122; cxvi. 13, 92; cxvii. 37, 35, 71, 76. Sir H. Yelverton's submission. *Cabala* (1696), 375.

[2] Chamberlain to Carleton, Feb. 3, 1621, *S. P. Dom.* cxix. 64. See Vol. III. p. 34.

[3] Montague to Buckingham, Jan. 3, 1619, *Bacon's Works*, ed. Montagu, xvi. 227.

appointment was made. The reasons for delay had now lost their force, and hints were allowed to reach Montague's ears, that the Treasurership was within his reach, whilst at the same time it was intimated to him that the King would accept a liberal present. After some haggling a bargain was struck at 20,000*l.*, and Montague became Viscount Mandeville, and Lord High Treasurer of England. As he was starting for Newmarket, to receive at the King's hands the white staff, which was the symbol of his office, Bacon met him. "Take care, my lord," he drily remarked, "wood is dearer at Newmarket than in any other place in England."[1]

Sir James Ley Chief Justice.

Mandeville's successor on the Bench was Sir James Ley. Four years before he had offered 10,000*l.* in vain for the Attorney-Generalship. He now declared himself ready, at the age of sixty-eight, to marry Elizabeth Butler, a young girl who had the good fortune—if good fortune it was—of being Buckingham's niece. The jesters had their laugh at the ill-assorted match. The Countess of Buckingham, it was said, deserved high praise for taking such care of her relations. It was a special work of charity. There were already six or seven more young women hurrying up to London to look for husbands with her help.[2] Other promo-

[1] Bacon's Apophthegms, *Let. and Prof. Works*, ii. 181. Buckingham afterwards asserted that the money was only a loan for a year (*Rushworth*, i. 334, 387). But it would seem, from the letters published by Montagu (*Bacon's Works*, xvi. 228), that this was not the case. An unpublished letter of Mandeville's furnishes a hint of the true explanation. Writing, in 1623, to the King, he says: "I know well the necessity of the time. But my own, occasioned by your service, so presses me, that your Majesty will pardon the presumption and allow me the liberty to remember that your Majesty called me from the place of Chief Justice to be Lord Treasurer, in which place, after I had served you some nine months, I freely rendered up the place into your hands, putting myself upon your Royal promise, secured also by the word of my Lord of Buckingham, which in honour, I doubt not but he will make good." Mandeville to the King, April 2, 1623. *Harl. MSS.* 1581, fol. 264. There can hardly, I think, be a doubt that the money was originally a gift to Buckingham, but that afterwards, when Mandeville was dismissed, James promised that it should be treated as a loan to be repaid within a year.

[2] Chamberlain to Carleton, Feb. 3, 1621, *S. P.* cxix. 64.

tions of less importance followed. The King's old favourite Haddington, the Ramsay who had stood manfully by him at the time of the Gowry conspiracy, became Earl of Holderness in the English peerage. The Chancellor of the Exchequer, Sir Fulk Greville, obtained a seat in the House of Lords by the title of Lord Brooke.

The position which the new House of Commons would take up on the question of the monopolies was likely to depend upon the policy which James was able to announce with respect to the troubles of the Continent. On account of the pressure of business, caused by the reception of Cadenet's embassy, the opening of the session had been postponed from January 16 to the 30th. On that day after listening to a sermon from Andrewes, bristling with Greek and Hebrew, James passed, seemingly in high spirits, to the House of Lords.

1621. Jan. 30. Opening of Parliament.

The Commons were summoned to the bar, and the King began his speech with an exposition of those constitutional theories which, however they may grate upon our ears at the present day, would not, at that time, have been formally repelled by any of his hearers. A Parliament, he said, was an assembly forming part of a monarchy, and acting under a monarch. Without a monarch there might, indeed, be Councils, but not a Parliament. It was summoned by the King to give him advice, and it was able to give that advice, because it represented the wishes and the wants of the various classes of his subjects. The King was thus enabled to make good laws for the benefit of the whole commonwealth. The House of Commons, in particular, had special functions to perform. It was by its means that cases of maladministration or default of justice could reach the ears of the King; and it was the peculiar duty of that House to supply the King's necessities, as it was his duty to afford them justice and mercy in return.

The King's speech.

James then turned to a subject upon which the House took a far deeper interest than on any question of constitutional politics. Religion, he said, was to be maintained in the first place by persuasion, and it was only when that failed that recourse was to be had to compulsion. It had been rumoured

that the marriage treaty with Spain would be followed by a grant of toleration to the Catholics. He would, however, have his hearers to understand, that he would do nothing dishonourable or contrary to the interests of religion.

After this brief and enigmatical declaration, James quickly passed to what was, to him, the far more important subject of his own wants. For ten years, he said, he had not received a penny from Parliament. The time when they might reasonably have objected to grant a supply was now past. His treasure was no longer squandered. During the last two years a strict economy had been practised. Large sums had been saved by the reform of the household. With the help of the young Lord Admiral, who was standing by his side, he had effected a considerable saving by the reforms of the navy. If they would give him money now, he would answer for it that it should no longer fall into a bottomless purse.

The next cause for which he had summoned them was the miserable state of Christendom. He had done all that was in his power to put an end to the war in Bohemia. In the hope of saving the Palatinate, he had spent thousands of pounds upon embassies. He had borrowed money from the King of Denmark. He had authorised the collection of voluntary contributions. "And I am now," he said, "to take care of a worse danger against the next summer. I will leave no travail untried to obtain a happy peace. But I have thought it good to be armed against a worse turn, it being best to treat of peace with a sword in my hand. Now I shall labour to preserve the rest; wherein I declare that, if by fair means I cannot get it, my crown, my blood, and all shall be spent, with my son's blood also, but I will get it for him. And this is the cause of all, that the cause of religion is involved in it; for they will alter religion where they conquer, and so perhaps my grandchild also may suffer, who hath committed no fault at all." Let them, therefore, make haste to grant a supply. This Parliament had been of great expectation. At his first Parliament he had been ignorant of the customs of the land. At his second Parliament a strange kind of beast called undertakers had come between him and his subjects. The present Parlia-

ment had been called of his own free motion. It would be his greatest happiness if it could be shown that he had acquired the love and reverence of his people. "Then," he ended by saying, "I shall be even honoured of my neighbour princes, and peradventure my government made an example for posterity to follow."[1]

By a critical audience this speech would have been coolly received. James had spoken first about himself, and last about the Palatinate. But the House of Commons was not disposed to be critical. Its members had come up to Westminster eager to co-operate with the King. The old constitutional disputes and the old constitutional suspicions were forgotten. No one thought for a moment of reviving the quarrel about the Impositions. This time, at least, James would not have to complain of factious opposition. If he would only be a king in reality as well as in name—if he would reform abuses at home, and defend Protestantism abroad, the representatives of the nation were prepared to follow him with almost unquestioning fidelity.

Temper of the House of Commons.

How little James was in accord with the prevailing feeling is evident from the conversation which he held with Gondomar three days after the meeting of Parliament. He began by talking about the speech with which he had opened the session, softening down the words he had used in speaking of religious matters. He was ready, he said, to live and die in friendship with the King of Spain. As for the Puritans, they were the common enemies of both. After some further talk about his son-in-law, he described his own reception by the clergy in Westminster Abbey. The whole of the service, he said, had been chanted in Latin. So far, at least, he had conformed to the usage of the Catholic Church. Upon this hint, Gondomar spoke out. He hoped, he said, to see him restored to the Church, and to the obedience of the Pope. "If," replied James, "these things could be treated without passion, it is certain that we could come to an agreement." A few minutes more brought him to acknowledge his

Feb. 2. James's conversation with Gondomar.

[1] *Proceedings and Debates*, i. 2.

readiness to recognise the Pope as the head of the Church in matters spiritual, and to allow appeals to lie to him from the English bishops, provided that he would refrain from meddling with temporal jurisdiction in his kingdoms, and would renounce his claim to depose kings at pleasure. If in his writings he had spoken of the Pope as Antichrist, it was because of his usurped power over kings, not because he called himself head of the Church. Gondomar, upon this, asked James to give him his hand in token that he meant what he was saying. The King at once held out his hand, and told the ambassador to write an account of the conversation to his master.

No one knew better than the Spanish ambassador that all this meant nothing. If he had just landed in England, he wrote, he might perhaps have considered the information of importance. All he could say now was that nothing was impossible to God. As to the Palatinate, James still expected Spain to assist him in his mediatory efforts. His son-in-law, he thought, should solemnly renounce all pretensions to Bohemia. Upon that Philip might withdraw his troops from the Palatinate, and see that the Catholic powers in Germany abstained from pushing their successes further.[1]

If James could have supported his argument by any evidence that force was at his disposal, it is possible that his representations might not have been without effect. Whether he could do this or not, however, depended on the understanding to which he was able to come with the Commons.

On February 5, the House of Commons met for business. The first debate was somewhat desultory. The strong Protestant feeling of the members found a mouthpiece in Sir James Perrot, the son of the Lord Deputy of Ireland who had been harshly treated by Elizabeth, and who was, unless rumour spoke falsely, an illegitimate son of Henry VIII. Perrot now moved that the House should receive the communion at St. Margaret's, for the detection of recusants.[2]

Feb. 5. The first debate.

[1] Gondomar to Philip III.. Feb. $\frac{8}{18}$, *Simancas MSS.* 2602, fol. 11.

[2] Under the date of February 5, Mrs. Green has calendared the celebrated speech of Sir E. Cecil on the importance of granting an immediate

Perrot's motion was the signal for the pouring out of a flood of abuse against the Catholics. Sir Robert Phelips, the son of the Speaker of the first Parliament of the reign—a busy, active man, whose undoubted powers were not always under the control of prudence—on this day commenced his brilliant career as a Parliamentary orator. The Catholics, he said, had lit bonfires in their halls at the news of the defeat in Bohemia. They were gathering in great numbers to London, and were perhaps even now meditating a repetition of the Gunpowder Plot.

Another subject next engaged the attention of the House. Since the last Parliament, members had been imprisoned for words spoken in their places. It was suggested that the King might now be asked for an acknowledgment of their right to liberty of speech. Calvert, on the other hand, whose conciliatory temper would, in happier times, have gained him the respect of the House, then rose and pressed for an immediate supply. It was finally resolved that the various questions which had been raised should be referred to a committee of the whole House.

The first difficulty of the Commons arose from an unexpected quarter. They had entrusted the sermon at St. Margaret's to Usher, whose abilities had recently procured for him, young as he was, the bishopric of Meath. The appointment was regarded by the Chapter of

Usher's sermon.

supply to the Palatinate. It may, however, be asked why no trace of it occurs in the full reports which we have, from various hands, of that day's debate. The fact is, the speech was a forgery. On Dec. 3, 1622, Carleton (*S. P. Holland*) expresses his suspicions to Chamberlain, and on the 21st Chamberlain replies :—"Upon inquiry, I am fully of your opinion touching Sir Edward Cecil's speech, that he was not guilty of it; but that one Turner about him was the true father."—Chamberlain to Carleton, Dec. 21, 1622, *S. P. Dom.* cxxxiv. 80. There appears to have been some doubt on the matter at the time. On May 15, 1621, Meade speaks of it as "made (as they say) in the beginning of this session."—*Harl. MSS.* 389, fol. 67b. Whoever was the author, the speech does him great credit. There is a fine ring in its language from beginning to end. I have been informed by Mr. Graves, of the British Museum, that it is included in a copy of 'The Works of the Most Famous and Reverend Divine, Mr. Thomas Scot,' in the possession of Mr. Christie Miller.

Westminster, now under the guidance of Williams, as an infringement of its rights. The House was accordingly told that it had exceeded its powers. If the members would come to the Abbey one of the canons should preach to them, and no attempt would be made to force upon them the wafer-bread which was ordinarily used there. But Williams, in his hot-headed jealousy for his new dignity, had miscalculated the temper of those with whom he had to deal. His offer was contemptuously rejected by the Commons. If they could not hear Usher preach in St. Margaret's, they would hear him in the Temple church. Williams, however, was not allowed to push matters to these extremities. James himself interfered, and the Chapter at once withdrew their opposition to the original plan.[1]

If the Commons could have listened to the King's conversation with Usher, they would hardly have thanked him for his mediation. "You have got," he said, "an unruly flock to look to next Sunday." He then asked him how it was possible for the members to be in charity with one another, and ended by begging him to urge his audience to pass a vote of supply as soon as possible.[2]

Petition against the recusants.

In the meanwhile the Commons were busily considering the case of the obnoxious recusants, and in drawing up a petition for the enforcement of the penal laws, in which the Lords expressed their willingness to join.[3]

Feb. 15.

On February 15, the Committee brought up its report upon liberty of speech. It recommended an appeal to the King, and the introduction of a Bill by which the imprisonment of members for words uttered in their places might be rendered impossible for the future.[4] At this suggestion Calvert rose. The King, he said, had directed him

[1] *Proceedings and Debates*, i. 14, 19. *Commons' Journals*, i. 517. Chamberlain to Carleton, Feb. 10, *S. P. Dom.* cxix. 90.

[2] Elrington's *Life of Usher*. *Works*, i. 53.

[3] *Lords' Journals*, iii. 18, 19. Woodford to Nethersole, Feb. 17, *S. P. Dom.* cxix. 102.

[4] *Commons' Journals*, i. 522.

to tell the House that he marvelled that they troubled themselves so much about the matter. Had he not already assented to their Speaker's petition for such freedom of speech as had been anciently granted? His Majesty therefore hoped that no one would 'so far transgress the bounds of duty as to give any cause to be questioned for speaking that which becomes him not.' If any such offence should be given, he was sure that the House would be more ready to censure him than his Majesty to require it.[1]

So eager were the Commons to avoid any semblance of altercation with the King, that even this vague message was accepted not only without remonstrance but even with gratitude. Ten months later they had reason to regret that the reply had not been more explicit.

Supply.

For the moment James's course was an easy one. The Commons formally returned him thanks for his gracious assurance, and on that very afternoon the question of supply was for the first time seriously taken up in committee.[2]

The report of the Council of War laid before the House.

On the 13th the Council of War had delivered its report. The members of the Council were too experienced soldiers not to know that to appear in the field at once with an army which could bear down all opposition was in the end the surest way to avoid expense. To levy a force worthy of England a sum of 250,000*l.* would be needed immediately, and the pay and expenses of the army would call for an annual vote of 900,000*l.* a-year. By this means 30,000 men could be maintained for the defence of the Palatinate.[3]

Such a sum was undoubtedly enormous. No larger grant than 140,000*l.* had ever yet been made in any one year by Parliament. It was therefore incumbent upon James to reconsider his position, and, after frankly laying before the House the information which he had received, to prepare the nation for the sacrifices which would be needed if its wishes were to be carried

[1] Calvert's Speech, Feb. 15, *S. P. Dom.* cxix. 97.

[2] *Proceedings and Debates*, i. 47.

[3] Report of the Council of War, Feb. 12, *S. P. Dom.* cxix. 93.

out. A very different course commended itself to James. It was at all events a good opportunity for getting a vote of money, and the adequacy of the supplies was a matter of very little moment. Calvert was accordingly directed to state that 30,000 men would be needed, and that at least 500,000*l.* would be required for their support.

The expense of the troops was absurdly under-estimated. But this was not the only, or even the worst, fault of the speech in which Calvert brought the question forward. Of the policy which the King intended to pursue he had not a word to say. The Commons were informed what the cost of an army would be. They were not told how it would be used. Over the state of the negotiations, and the chances of peace and war, an impenetrable veil was thrown. Such treatment was enough to chill the temper of the most loyal. It would be time enough, it was felt, to vote a supply on the large scale demanded when the King should condescend to tell them what he meant to do with it. Yet they shrank from leaving the appeal of their Sovereign altogether without response. In spite of the dearth of the precious metals caused by the debasement of the coinage on the Continent: in spite too of the constitutional scruples which forbade the grant of money at so early a period in the session, the Commons unanimously agreed to a resolution for the levying of two subsidies, a sum equivalent to about 160,000*l.*[1] The money however, was not to be regarded as a contribution towards the expenses of the war, for which it would have been utterly inadequate, but simply as a testimony of their devotion to a king who, as they still hoped almost against hope, was at last

Effect of Calvert's speech.

Grant of two subsidies.

[1] *Proceedings and Debates*, i. 48. It is important to understand the circumstances under which the grant was made, as unfounded inferences have often been drawn from a partial appreciation of the facts. Even Mr. Forster (*Life of Pym*, 9), who was not usually given to under-estimate the virtues of the House of Commons, said that the grant was 'so small a sum, in fact, that it only left the King more completely at their feet.' In his report from the Committee on the 10th, Coke, on the other hand, said distinctly that the money was voted 'freely, not on any consideration or condition for or concerning the Palatinate.' *Proceedings and Debates*, i. 50.

preparing to stand forward as the leader of the nation over which he ruled.

For these explanations James cared little. With the prospect of a grant of money he was beyond measure delighted. He ordered one of the Privy Councillors to inform the Commons that their conduct had made a great impression upon him. They had given reputation to his affairs at home and abroad. For his part, he was ready to meet them half-way in giving satisfaction to their just demands.[1]

Gondomar's licence to export ordnance.

The readiness with which the Commons granted these subsidies is the more noticeable, as they had lately met with a rebuff upon a point which they considered to be of no slight importance. At that time ordnance of English manufacture was highly esteemed upon the Continent. Its exportation was strictly forbidden, and the prohibition was only occasionally suspended as a special favour to the representatives of foreign nations. When, therefore, it was known that leave had been given to Gondomar to send a hundred guns out of the kingdom, the Commons were roused to an indignant remonstrance against the impolicy of furnishing arms to the enemies of the German Protestants. They listened with sullen displeasure to Calvert's explanation. James himself was obliged to come to the support of his secretary. The licence, he said, had been granted two years before, and could not now be revoked. No harm would be done, as Gondomar had engaged that the guns should be sent to Portugal for use against pirates. The House received the information in silence, but it is hardly probable that a single member allowed his convictions to be changed.[2]

Proposed legislation on the Sabbath.

There were other subjects on which the Commons felt even more strongly than on the exportation of ordnance. On the 15th there was a debate on a bill for the stricter observance of the Sabbath. A young barrister named Shepherd stood up to oppose the measure. Everybody knew, he said, that Saturday, and not Sunday, was

[1] Speech of a Privy Councillor, Feb. 16, *S. P. Dom.* cxix. 98.

[2] *Proceedings and Debates*, i. 36.

the true Sabbath. The bill was conceived in a spirit of defiance against the King's Declaration of Sports, for it forbade dancing on Sunday. Did not David praise God in a dance? What right had they to fly in the teeth of both King David and King James? Whoever brought in the bill was a Puritan and a disturber of the peace. Such language was intolerable to his hearers, who, in their antagonism to Spain, were clinging to the stricter Protestantism which their fathers had learned in the midst of the struggle with the Armada. An indignant shout warned him to desist. He was ordered to leave the House. The next day his case was taken into consideration, and, without a dissentient voice, he was declared to have forfeited his seat by his profanity.[1] Yet even here, excited as they were, the Commons evinced their determination to give way at the slightest remonstrance from the King. They replied to a message from James by ordering that whatever clauses might be in contradiction with the Declaration of Sports should at once be expunged from the Bill.[2]

Expulsion of Shepherd.

In fact, during the first fortnight of the session, it seemed as if James could do anything he pleased with the Commons. On the 17th he gave his promised reply to the petition for increased severities against the recusants, which had been presented to him jointly by the two Houses. There were, he said, laws enough already. It was against his nature to be too rigorous in matters of conscience. He was continually called upon to intercede with other princes on behalf of oppressed Protestants, and he could hardly hope to succeed if he were himself to treat the English Catholics with undue rigour.[3] He was, however, ready to comply with the requests made to him, and to see that the laws were executed. It was reported that with this reply the House was highly discontented, and that there were those who believed that if the resolution for the grant of the subsidies had not been already passed, it would now be in danger of re-

Feb. 17. The King's reply to the petition on recusancy.

[1] *Proceedings and Debates*, i. 45, 51.

[2] *Ibid.* i. 60.

[3] Chamberlain to Carleton, Feb. 17. Murray to Carleton, Feb. 17, *S. P. Dom.* cxix. 101, 103.

jection.[1] Whether this account of the matter was true or not, in public, at least, no signs of dissatisfaction appeared.

Evidently beneath the thin crust of reconciliation the fires of discord were smouldering still: yet, since James had summoned his first Parliament to meet him in 1604, no such House, so profoundly loyal, so heartily anxious to sacrifice all claims but those of honour and of duty, had answered to his call. In the great and pressing questions of foreign policy especially its sympathies were true and generous. Composed as it was, to a great extent, of men of substance, who would eventually have to bear the chief burden of war, it had no wish to throw England headlong into that endless Protestant crusade which tickled the imagination of Abbot and the preachers. But there was scarcely a member who did not see that the encroachment of Catholic domination upon Protestant territory was full of immediate danger to the Protestant States of the Continent, and of ultimate danger to England itself. They believed, too, that the power of the Imperialist party in Germany could only be made available for evil by the support of Spain, and that if the torrent of destruction was to be stopped it was to Spain that their demands must be addressed.

Foreign policy of the Commons.

The merits of this policy of the Commons were peculiarly their own. The defects were incidental to their position. Depending for information upon rumour, it was impossible that they should gain that acquaintance with the characters and motives of foreign princes, which alone could fitly determine the choice of the method by which the object which they had at heart might best be attained. Black and white were the only colours on their canvas. To them every Protestant was a model of saintly virtue; every Catholic a dark conspirator against the peace and religion of the world. Of the weakness and rashness of Frederick, of the low intrigues by which his election had been preceded, of the anarchical character of the Bohemian aristocracy, they had simply no conception whatever. And as they could see nothing but light on one side, they could see

[1] Salvetti's *News-Letter*, Feb. 23.

nothing but darkness on the other. In the very centre of the more than Rembrantesque gloom, in which one part of their picture was shrouded, stood the King of Spain, not as he really was, anxious to avoid war, hesitating to spend his money, and shrinking from doing anything which would split up Europe into two hostile camps, but bearing the likeness which his father had borne in the imaginations of Englishmen forty years before—the aspirant, by force or fraud, to universal empire for his own bad purposes—the restless, ambitious, insatiable vicegerent of Satan upon earth.

The King and the House of Commons.

With such a House, a wise Government would not have found it difficult to deal. Cowardice and sloth, vanity and obtuseness, are hard to guide, but the ignorance of a high-spirited and loyal people is easily met. A king who would deal frankly with his subjects, who would tell them plainly what his objects were, and how it was possible to accomplish them, who would take the two Houses into his confidence, who would speak as Bacon would have had him speak, and act as Digby would have had him act, might have wielded the strength of England at his pleasure. A wise love of peace would have found no obstacle in those who were crying for war, not for the sake of its excitement and its booty, but because they believed that the miseries of war were outweighed by the mischief which peace was every day bringing nearer to their doors.

As is always the case, such a union of action between the King and his subjects would have been followed by effects reaching far beyond the political question which was actually in hand. It would have resulted, not as Bacon seems to have thought, in the renewal of the attachment of the people to the forms of the Elizabethan constitution, but in softening the asperities of the change which those forms were destined to undergo. It was impossible that a people growing in intelligence and wealth, undistracted by vital differences of opinion, and trained to political action by the discipline of centuries, could long be kept back from taking a far more active part in public affairs than had been possible under the sceptre of Elizabeth. That the doors of the constitution would soon open more

widely than before to the House of Commons, was inevitable. The choice which lay before James was whether he would mainly rely on the sense of justice of the Spanish Government, or would call on the representatives of the people to join him in enforcing his just requirements. Freely to associate them with the Crown in the responsibilities of his policy was the surest way both to keep them from a rash and unadvised cry for war, and to overcome their not unnatural reluctance to open the purse of the nation without security for the use of the subsidies which they might grant.

From time to time, when Gondomar had had reason to despair of James, he had taken comfort by reminding himself that the old nobility of England was favourable to a Catholic restoration. He did not perceive that the political influence of that nobility was much less than it had been, partly through changes in the social condition of the country, and partly through the multiplication of new peerages by James himself.

The old and new Peers.

Even at the accession of James, the peerage had lost many of those powers which had filled Elizabeth with anxiety ; but it was still strong in its social position, and in historical associations. Side by side with the Veres and the Cliffords, whose honours dated from the reigns of the Plantagenets, sat the Riches and the Russells, who had risen to eminence in the course of the Reformation struggle. With rare exceptions, the ancestors of these men had won their titles by services to the State or to the Sovereign, by high family connection, or by strong local influence. All this, it seemed, was now to be at an end. The descendants of Elizabeth's peers would soon be in a minority in their own House. Of the ninety-one lay peers, no less than forty-two had been either created or elevated to a higher title by James. Amongst these were a few who, like Bacon and Digby, might have risen to eminence under any system ; but far too many were known to have purchased their appointment with hard cash, or with the still baser coin of obsequious servility to the favourite.

Nor was it only of the number and the character of their

new associates that the lords of ancient lineage complained. A smooth tongue and a supple knee were seldom rewarded with anything less than a viscountcy, and barons whose ancestors had sat for generations in the Upper House were forced to yield precedence to upstarts whose brand-new titles were unrelieved either by wealth or by merit.

Quarrel between Scrope and Berkshire.

It was not long before the smouldering discontent burst out into a flame. Not a month before the meeting of Parliament, Lord Norris was created Earl of Berkshire, owing his rise, as was said, to the expectation that he would give his only child, the heiress of his wealth, to Edward Wray, a young gentleman of the bedchamber, who had contrived to secure the patronage of Buckingham.[1] One day, as he was entering the House in full consciousness of his new dignity, he saw Lord Scrope, whose barony dated from the reign of Edward I., walking in front of him. He rushed forward, and thrusting Scrope violently aside, asserted his precedence as an earl. But the House was in no mood to allow the old peerage of England to be insulted with impunity, and Berkshire was committed to the Fleet, from which he was only allowed to emerge upon making an ample apology for his rudeness.[2]

The Scotch and Irish Lords.

Whatever their feelings might be, it was impossible for the Peers to make any formal complaint against the exercise of the King's undoubted prerogative in the new creations, and they therefore chose another point of attack. For some time it had been usual to confer Irish peerages upon Englishmen who had distinguished themselves in that country ; but as the officials thus advanced had for the most part remained in Ireland, their titles had given no umbrage to the English nobility. James had now taken a further step in the same direction. He raised Sir Henry Carey, the Comptroller of the Household, to the Scottish peerage, by the title of Viscount Falkland. The whole body of the English lords who were not under the influence of the Court, were at once in arms. They did not dispute the King's

[1] Chamberlain to Carleton, Jan. 31, *S. P. Dom.* cxix. 24.

[2] *Lords' Journals*, iii. 19, 21, 22.

right to make as many Scotch viscounts as he pleased; but they drew up a petition, to which the names of thirty-three peers were appended, begging that no Scotch nobleman might take precedence in England of the lowest member of the English baronage. Then arose a strange and unseemly altercation between the King and the petitioners. Hearing of the existence of the paper which they had signed, James ordered them to deliver it up to the Privy Council. He was told that it was addressed to himself, and to himself alone would it be given. One by one the thirty-three were summoned into the Royal presence, and were asked in whose custody the petition was. Each one, as he passed in, told the same story. If the King wanted to see the petition, he must receive them in a body, and listen to their complaints. James finally agreed to a compromise, by which the petition was placed in the hands of the Prince of Wales.[1]

The Peers' petition.

In themselves, such ebullitions of temper would rightfully be excluded from a place in history; but the personal grievances of the Peers were not without their weight in securing to the popular side the services of many of the nobility in the approaching conflict.

In the Lower House there were no factions. On February 17 the King had declared that if the Commons chose to inquire into grievances, he would be ready to meet them half-way. They took him at his word, perhaps all the more readily, as their mouths were closed upon the great questions of foreign policy by the coldness with which their overtures had been received. On the 19th, Noy, a Cornish lawyer, whose name is now chiefly remembered by the part which he subsequently took in the imposition of ship-money, moved for an inquiry into the monopolies. These grants, of which the nation was now weary, had, he said, always been preceded by a favourable report from a committee, either of lawyers or of statesmen, to which they had been referred. He there-

Feb. 17. Grievances discussed in the House of Commons.

Feb. 19. Speeches of Noy and Coke.

[1] Mead to Stuteville, Feb. 24, *Harl. MSS.* 389, fol. 21. Chamberlain to Carleton, Feb. 27, *S. P. Dom.* cxix. 133. *Council Register*, Feb. 19. Sir E. Brydges' *Memoirs of the Peers*, 128.

fore moved that these referees might be sent for, in order that the House might know upon what grounds they had acted.

Noy's proposal was seconded by Coke. The old lawyer, now once more after a long lapse of years a member of the House of Commons, took up at once the foremost position amongst his colleagues. His amazing self-confidence, and the facility with which he drew from the vast stores of his legal knowledge the precise argument most applicable to the occasion, made his services indispensable to an assembly of which the great majority were without much experience in the details of public business. With the feelings and prejudices of the House he was, on his own narrow ground, thoroughly in unison. It is true that in attacking the referees he was attacking Bacon, and that long rivalry, ending as it had in his own final discomfiture, had embittered his feelings towards the Chancellor. But it would be unfair to think of him as merely actuated by personal motives. Of justice in the highest sense of the word he knew nothing. Of the worth of liberty, or of the principles of political economy, he knew as little. But he had high ideas of his own duty to wage war with corruption and maladministration, and the idolatry with which he regarded the system of the Common Law made him intolerant of any attempt to thrust it aside from its supremacy. He was fortunate in the disgrace which had deprived him of the power to oppress, and had converted him into the opponent of oppression. He was, above all, fortunate in the epoch in which he lived. Two hundred years later his name would have gone down to posterity, with Eldon's, as that of a bigoted adversary of all reform. As it was, his lot was cast in an age in which the defence of the technicalities of law was almost equivalent to a defence of law itself. It is better, in the end, that the popular ideas of right should be enlarged, than that the administration of justice should be improved; and so it came to pass that Coke, in the stand which he made against the arbitrary tribunals, which had of late years been so plentifully introduced, was, in his blind and rugged fashion, paving the way

Coke's position in the House.

for the advent of a justice which he would himself have been the first to denounce.

Great was the joy of the House at this accession of a Privy Councillor to the views which the vast majority entertained. "This," said Alford, an old member, who had represented Colchester ever since the death of Elizabeth, "is the first Parliament that ever I saw Councillors of State have such care of the State." The Commons did not indeed adopt Noy's proposal for an inquiry into the conduct of the referees, but the next day a Committee of the whole House commenced an investigation into the patent for inns. Mompesson, who was himself a member of the House, was subjected to a rigorous examination. One speaker after another rose to denounce his extortions. At last a letter was produced in which he had threatened a justice of the peace with punishment, unless he desisted from his efforts to shut up an inn which was notoriously a mere haunt of thieves and drunkards. Bad as were Mompesson's own oppressions, those of his subordinates were worse. One evening, the Committee was informed, an agent of the Commissioners, named Ferrett, knocked at the door of a certain Cooke, an old man of eighty, who kept an alehouse at Brewood in Staffordshire, but who, not having an innkeeper's licence, was, at least according to Mompesson's interpretation of the law, liable to a fine if he took in strangers at night. Eager to appropriate a portion of the expected fine, the informer hit upon a mode of proceeding as simple as it was infamous. The night, he said, was coming on, and unless shelter were given him, he was certain to fall into the hands of thieves. Cooke listened to his tale with compassion, left his own bed to make room for him, and turned his cow into the field to provide shelter for the traveller's horse. Ferrett had got what he wanted. He turned sharply upon his bewildered host. "This is well," he said. "You are one of those that I look for; you keep an inn, you receive a horse and man." It is true that the Commissioners did not support their agent in his iniquity; but it was no slight matter that the poor old man should have been compelled to incur the

The patent for inns.

Feb. 20.

trouble and expense of pleading his cause in London before redress was to be had.[1] So at least the Committee thought. The patent was unanimously condemned, and Coke was chosen to report the decision to the House.[2]

February. The patent for alehouses.

The patent for alehouses came next. It was discovered that behind the names of Dixon and Almon, the nominal patentees, were concealed those of Christopher Villiers and other hangers-on of the Court. Instead of seriously setting to work to suppress drunkenness, the patentees had contented themselves with extorting fines from such alehouse-keepers as were ready to purchase permission to break the law with impunity.[3]

Sir F. Michell.

In the course of the inquiry the name of Sir Francis Michell had been prominently brought forward as having abused his powers as a magistrate by using them to support the iniquities complained of. He replied by handing in a petition in defence of his conduct. All that he had done, he said, had been approved by the most eminent lawyers. The House refused to listen to his excuse. He was, it was said, one of the first advisers of the patent. He had appropriated a large share of the booty. He had written letters authorising some of the worst extortions. Coke moved that he should be sent to the Tower, and declared to be unfit to remain on the Commission of the Peace. The excitement in the House rose with the prospect of finding a victim. Member after member declared that this would not be enough. Let the wretch be disabled from sitting upon any commission whatever. Let a paper setting forth his offences be fixed upon his hat as he rode to the Tower. Let him for the future be dubbed an Ale-knight. Let him be exempted from the general pardon at the end of the session. At last, however, Coke's motion was carried without substantial alteration.[4]

[1] The story was adopted by the House and inserted in their charge against Mompesson, from which I have printed extracts in a paper *On Four Letters from Lord Bacon*, in vol. xli. of the *Archæologia*.

[2] *Proceedings and Debates*, i. 63, 69, 73.

[3] *Ibid.* i. 75, 78.

[4] *Ibid.* i. 85.

Those who declaim against Bacon's dread of placing the supreme power at once in the hands of the House of Commons, would do well to ponder over these proceedings. Michell was no doubt a knave; but, for the sake of innocent men, it was not well that even knaves should be treated thus. He had not been heard in his own defence. So far from having been brought to a legal trial, he had not been allowed the ordinary formality of a stated charge. Never, in its worst days, was the Star Chamber guilty of a more contemptuous disregard of the barriers which have been thrown up for the preservation of innocence by the laws of England.

Sir G. Mompesson.

Alarmed by Michell's fate, Mompesson threw himself upon the mercy of the House. He acknowledged that the patent for inns had been justly condemned as a grievance, and that he had been to blame for permitting the abuses which had attended its execution. His admission was treated by the House with the silence of contempt. On the 27th, Coke reported that Mompesson had been the original projector of the scheme; that much oppression had been exercised by him as a commissioner; and that no less than 3,320 innkeepers had been vexed with prosecutions for the breach of obsolete statutes. Finally, he added, that it had been proved that out of sixty inns licensed in the single county of Hants, no less than sixteen had been previously closed by the justices as disorderly houses.[1]

The jurisdiction of the Commons.

In spite of the severity of his language, Coke did not conclude with a motion that Mompesson should share the fortunes of Michell. He had been reminded, no doubt, that the House had not merely broken through the usual safeguards of justice, but that it had assumed a jurisdiction to which it had no claim whatever. He now spoke as a man who is put upon his defence. With his usual fertility of resource, he acknowledged that the Commons had no jurisdiction over Michell's original crime; but he had presented an insolent petition, and they had a right

[1] *Proceedings and Debates*, i. 89, 100, 102.

to punish him for that, as for an insult to themselves. Having thus covered his retreat, he made no opposition to a proposal that Noy and Hakewill should be sent to search for precedents amongst the records in the Tower.

A very short time sufficed for the investigation. As every lawyer knew, no precedent was in existence by which the jurisdiction assumed in the case of Michell could be justified for an instant. Coke accordingly turned round with the stream, and poured forth a flood of precedents in condemnation of a claim which had been put forward at his own motion a few days before. The House at once followed him in his retractation, and acknowledged by its vote that it had no right to inflict punishment for any general grievance without the concurrence of the House of Lords. It declared that if Mompesson had been committed to the custody of the Serjeant-at-Arms, it was merely as a measure of precaution, till the Lords had decided upon his fate.

The Commons accordingly asked for a conference. Every day charges were accumulating against Mompesson. The part which he had played in carrying out the patent for gold and silver thread, and another patent for the discovery of Crown estates which had improperly found their way into the hands of private owners, was not forgotten. Before the last-named patent, it was said, no man's property would be safe. A century of quiet possession would not suffice, if the slightest flaw could be discovered in his title. Coke immediately brought in a bill to bar the claim of the Crown after sixty years' possession. But it was evident, from the language used, that the House would not be satisfied with providing for the future. Mompesson was thoroughly alarmed. When the officers were sent to arrest him, he asked leave to step for an instant into another room, jumped out of window, and fled for his life. As soon as his escape was known, the ports were stopped; and at the request of the two Houses a proclamation was issued for his apprehension. It was too late, as he had already succeeded in crossing the Channel; and the Commons were forced to content themselves with the ex-

Mompesson's escape.

pulsion of the fugitive from the seat in their House which he was hardly likely to re-occupy.[1]

The feeling that the Commons were in earnest spread rapidly. Even Buckingham, insolent as he usually was in the face of opposition, partook of the alarm. He knew that his declared enemies could muster a considerable party amongst the Lords, and that the petition against the Scotch and Irish Peers had been, in reality, a demonstration against himself.[2] If the Commons chose to turn upon him as the real author of the obnoxious patents, was he certain of finding an impartial tribunal in the Upper House? The base metal which lay concealed beneath the splendid tinsel of his arrogance stood revealed at the touch of danger. He chose a moment when Coke happened to be present at the bar, to tell the Lords that he had always believed that the patents were for the good of the country. If it were not so, the blame lay with the referees, who had reported in their favour.[3]

Buckingham's alarm.

March 3. His attack upon the referees.

Even if Buckingham had refrained from this ungenerous attack, it was hardly possible that the burning question of the referees could be avoided much longer. How could security be obtained for the future, unless the circumstances were investigated under which Mompesson's abuses had received the countenance of these great officers of state. If Bacon were right in his interpretation of the law, it was the law that must be altered. If he were wrong, the true interpretation of the law must be placed beyond doubt. It was a further question whether, if the law had been broken, it had been broken with the interested connivance of its highest guardians, the Lord Chancellor and the Lord Chief Justice. Had there been no higher motive at work, it would have been both unjust and impolitic in the Commons to turn their vengeance upon the subordinate ministers of iniquity, whilst they closed their eyes to the sanction given in high places to the evil work.

[1] *Proceedings and Debates*, i. 103, 108, 112, 114; *Commons' Journals*, i. 530–533. Locke to Carleton, March 3, *S. P. Dom.* cxx. 6.

[2] Despatch of Tillières, March $\frac{1}{11}$, *Raumer*, ii. 306.

[3] *Commons' Journals*, i. 537.

In spite of the weight of these considerations, so anxious was the House to remain on good terms with the King, that during the fortnight which had elapsed since Noy and Coke had opened the attack upon the referees, only a single voice had been raised in support of their proposal. That voice was Cranfield's, and Cranfield regarded Bacon with that supercilious contempt which a man who has risen in the world by a thorough knowledge of the details of business is too frequently accustomed to feel for the more polished intellect of a philosophic statesman. Nor was Cranfield inclined to measure his words in speaking of those whom he disliked. His language was rough and uncourteous. If, for the time being, he stooped to flatter Buckingham, he made amends by barking at everybody else. It was from no enlarged views of political economy that he opposed the patents. He would have found it difficult to give any reason against them which would have squared with his ideas on the general course of trade. But just as Coke regarded them from the point of view of a common-law judge, so Cranfield looked upon them from the point of view of a City tradesman. Why they were injudicious he would have found it hard to say. But he saw that their immediate effect was to disarrange the course of trade. It is thus that the experience of practical men corrects the mistaken theories of the learned, and that Coke and Cranfield, inconsistent as they were with themselves, were able to raise a warning voice against the splendid mischief which Bacon, consistent in his errors, had conceived.

February Cranfield demands investigation.

Cranfield's hostility to Bacon was, no doubt, rendered more acute by a dispute which had arisen on a point of jurisdiction between the Court of Wards and the Court of Chancery. When, early in the session, complaints had been brought against his own Court, he had cleverly placed himself at the head of the movement, and had ostentatiously courted inquiry.[1] Strong in the popularity which he had thus acquired, he was not long in assuming the offensive. On February 24, he asked

[1] *Proceedings and Debates*, i. 44.

that, to clear the honour of the King, the referees should be subjected to an examination. On the 27th he repeated his demand. He wished to know why they had presumed to certify the lawfulness of any patent that was a grievance.[1] But the House made no response. Even in the matter of the disputed jurisdiction he found but little support. A committee was appointed to investigate the question, and recommended that counsel should be heard on both sides. Against this remissness Cranfield protested. It was not enough for him to obtain a decision that Bacon's claim to jurisdiction was unfounded. He wished to have it proclaimed to the world that Bacon's judgment had been unjust.[2]

Feb. 27.

Events were fighting on Cranfield's side. On March 3, the very day on which Buckingham was frightened into his declaration against the referees, the House of Commons, at the motion of Sir Robert Phelips, turned its attention to the patent for gold and silver thread. A committee was appointed to examine Michell and Yelverton in the Tower,[3] and its report was delivered on the 5th by Phelips. He told the story of the successive patents and proclamations, each one more stringent than the last. Bacon, Mandeville, and Yelverton had certified in favour of the monopoly. The whole business, it appeared, had been utterly mismanaged. The silver and gold had been alloyed with lead. The coin had been melted down. Measures of such doubtful legality that Yelverton shrank from sharing in them, had been employed to maintain the villany. But he had yielded at last to the threats of Sir Edward Villiers, and to fear of the ill consequences of resisting a brother of the favourite.[4]

March 3. The gold and silver thread.

Phelips's statement was confirmed by further inquiry. The names of Mompesson and Michell acquired fresh notoriety as the active members of the commission by which the monopoly was enforced. It was since Mompesson's name had been added to the list that the workmen complained of increased tyranny and harshness.

[1] *Proceedings and Debates*, i. 89, 103. [2] *Commons' Journals*, i. 537.
[3] *Proceedings and Debates*, i. 117. [4] *Ibid.* i. 120.

Every element of opposition in the House was united in disgust at these revelations. The champions of the common law were justly dissatisfied with the creation of an arbitrary tribunal which sent men to prison without the interference of a jury. The advocates, or those who thought themselves the advocates, of liberty of trade were displeased by the restriction placed upon the freedom of labour, whilst those whose great commercial doctrine was the preservation of the precious metals were horrified when they heard of the treatment to which the coin had been subjected. On March 8, a committee was ordered, not only to lay before the Lords the complaint of the House against Mompesson, but to demand, in set terms, an inquiry into the conduct of the referees.[1]

March 8.

That afternoon the Lords listened to the long complaint of the Lower House. The grievances of the inns, of the concealed lands, and of the gold and silver thread, were recited in order. But not a word was said about the referees. This part of the charge had been entrusted to two lawyers, Sir Heneage Finch and Thomas Crew; and either because they had no definite information on which to found a charge, or for some other reason, they held their peace. But Finch and Crew were not allowed to persist in their prudential silence. They were bidden to go back the next day, and to neglect to deliver their message at their peril.[2]

The Commons demand inquiry into the conduct of the referees.

It was all very well for Buckingham to shift the blame from his own shoulders to those of the referees. But no such course was possible for James. Whatever might be the exact forms assumed by the inquiry into the conduct of Bacon and Mandeville, it was plain that it would be, in effect, a revival of the old parliamentary system of impeachment, which would carry with it a reversal of the whole constitutional policy of the Tudors. Within the memory of living man no minister of the Crown had been practically regarded as responsible to anyone but the Sovereign. For James, therefore, to allow

[1] *Commons' Journals*, i. 546.

[2] *Ibid.* i. 547. Woodford to Nethersole, March 15, *S. P. Germany.*

the Lord Chancellor and the Lord Treasurer to be called in question by Parliament would be to sacrifice that claim to sovereignty for which he had always so persistently struggled.

James, therefore, resolved to do his best to stem the tide. On the morning of the day on which Finch and Crew were to return with the message which they had omitted to deliver, he summoned the Commons to appear before him in the Upper House. He wished to know, he said, upon what they founded their claim to omnipotence? They had no precedents for what they were doing, excepting from times of confusion and anarchy. What had such cases to do with the age in which they were living? The sceptre was now in the hands of a wise and legitimate Sovereign, and it was to him that the honour of directing the government should be left.

Mar. 10. The King resists inquiry.

"Before Parliament met," he added, "my subjects, whenever they had any favour to ask, used to come either to me or to Buckingham. But now, as if we had both ceased to exist, they go to the Parliament. All this is most disrespectful. I will, therefore, tell you a fable. In the days when animals could speak, there was a cow burthened with too heavy a tail, and, before the end of the winter, she had it cut off. When the summer came, and the flies began to annoy her, she would gladly have had her tail back again. I and Buckingham are like the cow's tail, and when the session is over you will be glad to have us back again to defend you from abuses."

Never was a grave constitutional question argued in a stranger way. The King's apologue, as may well be imagined, made but very little impression on his hearers. The first act of the Commons, on returning from the scene, was to send messengers to make fresh arrangements for the conference in the afternoon. The King, who was still within the precincts of the House of Lords, was deeply annoyed. Hurrying back in a passion, he seized upon the first excuse that came to hand as a channel for his dissatisfaction. It happened that the Subsidy Bill, which was to carry out the resolution passed a fortnight before, was to have gone through committee in the Commons on that

Persistence of the Commons.

very afternoon. James chose to believe that by asking for a conference, the Lower House was deliberately postponing the relief of the Exchequer to its own grievances. With an angry face, and a volley of oaths, he told the Peers that they must forbid the Commons from meddling with any business whatever till the Subsidy Bill was passed. The Lords begged to be excused. They had arranged, they said, that the conference was to take place that afternoon, and they could not break their word. If his Majesty wished, he could send the message himself.

James was accordingly driven to send his orders through the Attorney-General. Coventry was received with all due respect by the Commons. The conference, he was told, could not now be abandoned. But as soon as it was over they would return to their own House, and would take good care that the Subsidy Bill should go through committee, if they sat till ten at night.[1]

The Commons had shown that they at least knew how to keep their temper, and James learnt that his resistance had done him no service. In the afternoon Finch and Crew laid before the Lords their charges against the referees. It was then that a scene occurred which showed how deeply the spirit of opposition had penetrated the Upper House. Bacon and Mandeville attempted to reply to the charges which affected them so deeply. As soon as they had finished, Coke asked whether this reply was to be taken as proceeding from the House. With one accord the Lords who were present answered with a bare negative. Not a voice was raised on behalf of the King's theory that the Commons had no right to interfere with the conduct of his ministers. Nor was this all. At the next sitting Bacon and Mandeville were taken sharply to task by Pembroke for speaking at a conference without permission, and were compelled to apologise to the House for their breach of its

Charge brought against the referees.

March 12.

[1] Woodford to Nethersole, March 15, *S. P. Germany*. Salvetti's *News-Letter*, March $\frac{16}{26}$. Salvetti's ignorance of the forms of the House has led to some inaccuracies in his account of the affair of the Subsidy Bill. But these mistakes are easily set right, and are not of a nature to throw any doubt over the general correctness of his narrative.

rules. Even Pembroke's language was too respectful for the members of his party. He had spoken of the offenders, in the common language of the day, as 'two great lords.' At the motion of Lord Spencer, the friend and warm political supporter of Southampton, it was unanimously resolved that 'no lords of this House are to be named great lords, for they are all peers.' [1]

March. Buckingham's alarm.

These signs were not lost upon Buckingham. Though his name had not been mentioned, he knew well that by a large party in both Houses he was regarded with marked disfavour, and that in the private conversation of the members, his downfall was not unfrequently spoken of as the necessary sequence of the measures which had been taken against the referees.[2] As the readiest mode of escaping the danger, therefore, he began to put forth his influence with the King in favour of a speedy dissolution.

Advice of Williams.

In his distress he turned towards Williams for advice. The worldly-wise Dean of Westminster was shrewd enough to discern the risks which attended the course upon which his patron was entering. "Do not quarrel with the Parliament," he said in effect, "for hunting down delinquents. It is its proper work. Have no fear lest your reputation should suffer. Put yourself at the head of the movement. Swim with the tide, and you cannot be drowned. If, in order to save some cormorants, you assist to break up this Parliament, which is now in pursuit of justice, you will pluck up a sluice which will overwhelm yourself. The King will find it a great disservice before the year is out. The storm will gather again, and your counsel will be remembered against you. Rather let those empty fellows, Mompesson and Michell, be made victims of the public wrath. Cast all monopolies into the Dead Sea after them. I have searched in the signet office, and have collected almost forty. Revoke them all. Hearken

[1] *Commons' Journals*, i. 550. *Lords' Journals*, iii. 42.

[2] "Il Signor Marchese . . . cerca di giustificarsi col Parlamento dell' impressione che hanno di lui. Il quale se saprà con venti tanto contrarii guidare la sua barca non farà poco." Salvetti's *News-Letter*, March $\frac{9}{19}$. Compare the letter of March $\frac{16}{26}$.

not to Rehoboam's earwigs, who would advise the King to levy money otherwise than by a Parliamentary grant." [1]

Its acceptance.

Buckingham was charmed with this advice. He hurried the dean off to James, who received the counsel as if it had been a revelation from heaven. In appearance it coincided with that which Bacon had given before the meeting of Parliament. That James should lead the Commons rather than contend with them was an easy recommendation. But it was one thing to advise the King to take note of the current of popular opinion, and to anticipate complaint by the correction of abuses. It was another thing to urge him to turn upon the agents of those abuses, and to sacrifice to popular clamour the tools whose misdemeanours might, for the most part, be traced to his own carelessness and inefficiency.[2]

Bacon knew that it was at him that the blow was principally

[1] Hacket's *Life of Williams*, 50. In the speech as it there stands, the following often-quoted passage occurs:—"Delay not a day before you give your brother, Sir Edward, a commission for an embassage to some of the Princes of Germany or the Netherlands, and despatch him over the seas before he be missed." Such is the prevailing ignorance of the details of this reign, that even well-informed writers have allowed themselves to believe that this nonsense is a genuine report of Williams's words. Of course Williams said nothing of the kind. Villiers left England in January, and returned in April. When he left there was no expectation of any disturbance in Parliament. I suspect Williams said, "Keep your brother from returning," or something of the kind. Some such plan was in contemplation. Salvetti, writing on the $\frac{2}{19}$th of March, says, 'Villiers non dovrà ritornare così presto, o almeno fino che questa assemblea del Parlamento duri."

The speech is, however, too characteristic to be altogether imaginary, and was perhaps set down from memory, when the exact nature of the advice given about Villiers was forgotten. In the same speech, "Lord Posthumius" is of course a mere printer's or copyist's blunder, for L., i.e. Lucius Posthumius, an error which would hardly be worth notice, if it had not been sometimes supposed to be an allusion to Bacon. In the next page Hacket boldly states that 'Sir E. Villiers was sent abroad and returned not till September following.' This is an evident confusion arising from a dim recollection of Villiers's second mission in the autumn.

[2] We are not told what was the date of Williams's interview. But judging from the change in the King's tone, I should suppose it to have taken place on the 11th.

aimed. His old rival, Coke, had been accepted as a leader by the House of Commons, and, as was always the case with him, had thrown himself heart and soul into the part which for the moment he happened to play. It was probably about this time that Bacon appealed to the King in words which, if they were spoken on his own behalf, conveyed his honest opinion on the danger incurred by the Crown in abandoning its counsellors to a Parliamentary inquiry. "Those that will strike at your Chancellor," he said, "it is much to be feared, will strike at your crown. I wish that as I am the first, I may be the last of sacrifices." At the same time Bacon applied to Buckingham for his good offices with the King. Buckingham told him that he stood too high in his master's favour to need any aid from him. "That may be true," replied Bacon, "but I have always observed that, however bright a fire may be, it burns more brightly if it is blown." [1]

If James was to shield the referees—and it is hard to see how he could do otherwise, unless he was to abandon his whole position as a king—he must show that he was on the side of those who wished the destruction of the monopolies which the referees had supported. This was precisely what he now made up his mind to do. When he once came to know that Michell and Mompesson had abused their powers, he was just as likely to wish to see them punished as any member of the Commons. On the 12th, he sent a message to the Commons, thanking them for their alacrity in pushing on the Subsidy Bill, and assuring them of his readiness to redress their grievances. In the Upper House, Buckingham played his part with the readiness of an accomplished actor. At a conference which took place on the 13th he stepped forward to speak, though he was not a member of the Committee.[2] Before such a breach of order the fault committed by Bacon and Mandeville shrank into insignificance, and he was at once reduced to silence by Southampton. But Buckingham was not to be restrained so easily. He stepped back into the House, and returned with leave to say what he pleased.

The King's message.

March 13. Buckingham's declaration against Monopolies.

[1] Bacon's *Letters and Life*, vii. 199. [2] *Proceedings and Debates*, i. 143.

When he came back he spoke with unexpected vehemence. His brother Edward, he said, and his brother Christopher, had been named in the complaints of the Commons. If his father had begotten two sons to be grievances to the commonwealth, he must tell them that the same father had begotten a third son who would help in punishing them. It was the first time that he had known what a Parliament was, and he was ready to do everything in his power to further the welfare of the King and of the nation.

His quarrel with Southampton.

Smarting under the humiliation which he had undergone Buckingham hastened back once more to the House of Lords, to complain of Southampton's interruption. Hot words passed on both sides, and it was said that, but for the interposition of the Prince of Wales, swords would have been drawn. The arrogant favourite was obliged to explain that he had been absent when the censure was passed upon Bacon and Mandeville, and that he was consequently ignorant of the order against which he had offended.

The Commons profess themselves satisfied.

Very different was the bearing of the Lower House when Buckingham's words were reported to them. The Commons had no personal animosities to gratify. In their zeal for the public good they did not care to scrutinise too closely the motives of the magnificent favourite's conversion. All thought of opposition to him was at once abandoned. On the 14th, the Bill against Monopolies, which had been brought in by Coke three days before, was read a second time. On the 15th, the charge against Mompesson was put into its final shape, and was carried up to the House of Lords. This time not a syllable was breathed against the referees.[1]

The Commons had shown that they were possessed of that political tact which is of more value than any temporary success. It is true that the right of inquiry into the conduct of high officers of state was the keystone of their position. But, for the time, it was of greater importance to define the law

[1] Woodford to Nethersole, March 15, *S. P. Germany*. Meddus to Mead, *Harl. MSS.* 389, fol 26b, *Proceedings and Debates*, i. 150. ii. App. 6.

than to punish offenders. It was certain that they could not proceed against the referees without alienating the King. If, on the other hand, they could convert into law the Bill which was before them, it would never again be in the power of any minister, however high in favour, to divert disputes relating to commercial privileges from the ordinary courts.

The Monopoly Bill.

## CHAPTER XXXIV.

### THE FALL OF LORD CHANCELLOR BACON.

EVEN after the demand for an inquiry into the conduct of the referees had been withdrawn, Bacon must have felt that, though the immediate danger had passed by, his position was still insecure. In the House of Lords his connection with Buckingham told against him. The Commons, it is true, had withdrawn their charges against him in deference to the King, but they were in no humour to criticise very closely any accusation brought against him which did not involve an attack on the royal prerogative. Whatever may be the judgment finally passed on his conduct with respect to the patents, it is impossible that he can have been regarded by his political opponents, in the full blaze of the revelations of Mompesson's villany, in any other light than in that of a sycophant and a tyrant.

Bacon's position.

Since its appointment at the commencement of the session, the committee for inquiring into abuses in courts of justice had held its sittings regularly on Wednesday afternoons. On February 28, its attention was drawn to the delinquencies of the registrars of the Court of Chancery. These men, amongst whom a certain John Churchill was especially notorious, were accustomed to add to their regular fees by the practice of forging orders, and entering them as if they had been delivered by the Court. Bacon's character was not affected by this discovery in the slightest degree, but it gave the delinquents a special mo-

The registrars in Chancery.

tive for purchasing impunity by informing against their superiors.[1]

The Committee did not meet again till March 14. Cranfield,[2] who saw that, since Buckingham's speech on the preceding day, his opportunity of calling the referees to account was slipping away, led the attack against Bacon by complaining of his practice of issuing Bills of Conformity. These Bills, by which the Court of Chancery had been in the habit of extending its protection over insolvent debtors who were able to make out a case for its interference, were attacked by the Master of the Wards in the true spirit of a London shopkeeper. Cranfield even went so far as to declare that, compared with these, Mompesson's knaveries were but a trifle. "It were as good," he said, "a man took away a purse as hinder him recover by justice his due debt." Coke followed on the same side. He could not believe that there were such proceedings in any court of justice. Sir Dudley Digges, who had just returned from a mission to

March 14. Bills of Conformity.

[1] *Proceedings and Debates*, i. 109. These forgeries must, as a rule, have related to matters of small weight, which would escape the notice of the Court. On one occasion on which Churchill ventured to tamper with a decree of importance he was, as will be seen, detected immediately.

[2] In his anxiety to prove that there was a good understanding between Buckingham and Cranfield, Mr. Hepworth Dixon (*Story of Lord Bacon's Life*, 371) has said that Cranfield received a grant of 'a considerable share of the fines which belonged of right to the officers of Bacon's court,' by which he got 'a pretext for overhauling the Entry Books and scrutinising the receipt of fees.' No doubt Mrs. Green, in her Calendar, states that Cranfield received a grant of the alienation fines on Dec. 22, 1620. But her statement that it was made to Lord Cranfield at once provokes suspicion, as there was no such person in existence at the date, and a reference to the Patent Rolls shows that she was led into error by a mistake in an old index. The grant was made, not in 1620 but in 1621. It could not well be otherwise, as the fines belonged not to Bacon's officers, but to Bacon himself, and till he surrendered them after his sentence it was not in the King's power to grant them to Cranfield. Mrs. Green's reputation for accuracy stands deservedly so high that it is always worth while to notice any of the slips which are to be found, few and far between, in that calendar which few have had opportunity of testing so thoroughly as myself.

Amsterdam on behalf of the East India Company, spoke the sentiments of the more reasonable traders, who did not altogether regard a debtor as a wild beast to be hunted down without mercy. In old times, he said, there were certain definite cases in which these bills had been granted, 'but now, it is to be feared, that the latitude of the jurisdiction of that Court had brought in many mischiefs.' He wished that something might be done, in order that it might 'not lie in the breast of one man, be it whosoever, to use so large a power, but that he might be tied to the old rules and bounds of Chancery, which is only to mitigate the rigour of the law.' [1]

Digges had evidently made out a case for inquiry. Dislike of technicalities, and confidence in his own powers, were the fertile sources of Bacon's errors. In his eagerness to supersede the imperfections of the existing law, he sometimes forgot to calculate the risk of pouring contempt upon law itself, or to remember that it is only by the establishment of general rules that progress is possible. In his desire to crush opposition to the gold and silver thread patent, which had, as he firmly believed, been established for the benefit of the commonwealth, he had sanctioned the operations of an arbitrary tribunal, which might in after times be imitated for the worst of purposes, and it is by no means impossible that in the hope of giving protection to a struggling debtor, he may have countenanced measures which, if reduced into a rule, would have made honest trade impossible.

Every day was thus increasing the alienation between Bacon and the House of Commons. Yet there can have been few amongst the members who did not feel a shock when Christopher Aubrey appeared at the bar with a petition in which the Chancellor was directly charged with bribery.

Bacon charged with bribery.

Aubrey had many years previously been employed by Sir William Brunker, as a receiver of certain fines, called the Issues of Jurors, which had been leased to him by the King. The two men had quarrelled, and an action at common law resulted in a judgment in Aubrey's

Aubrey's case

[1] *Proceedings and Debates*, i. 157–159.

favour. Brunker appealed to the Court of Chancery, and in April, 1618, the suit came on for a hearing before Bacon. On the whole the Chancellor expressed himself in Brunker's favour, but declined to give any positive opinion till the accounts had been subjected to a strict examination.[1] Some weeks passed by, and no satisfactory explanation of his claims could be extracted from Aubrey.[2] It was not, it would seem, in the correctness of his figures that the strength of his case was to be found. He had already, unless he is grossly belied, bribed and cajoled at least two witnesses to give evidence in his favour. He now ventured on a bolder step. On June 1, he placed 100*l.* in the hands of his counsel, Sir George Hastings, and requested him to give it to the Chancellor himself. The money, he was subsequently informed, had been given and accepted, and he confidently looked forward to a favourable decision upon his case. In less than a fortnight, however, he was undeceived. On the 13th, "a killing order," as he afterwards termed it, ejected him from his post, and appointed a new receiver in his place. Under these circumstances, the production of his accounts became a necessity. His case occupied the court for more than two years; and it was not till November, 1620, that Bacon finally announced his award, which acknowledged the justice of many of his claims, but which, as it did not give him all that he had asked, left him a dissatisfied man.[3]

Brooding over his injuries, Aubrey determined to appeal to

[1] Affidavits of Brunker and Twine, Oct. 23, 1617, *Chancery Affidavits*, Mich. T. 1617, Nos. 157, 158. Orders, Brunker *v.* Aubrey, Oct. 20, 1617; April 29, 1618, *Order Book*, 1617, A. fol. 71,955.

[2] Orders, Brunker *v.* Aubrey, May 5, 16, 17, 1618, *Order Book*, 1617, A. fol. 931, 937, 1246.

[3] Affidavits of Ware, Jolly, and Worrall, April 21, June 25, July 24, 1618, *Chancery Affidavits*, Hil. T. 1617–18, No. 634; Trin. T. 1618, Nos. 186, 211. Orders, Brunker *v.* Aubrey, June 13, 1618; Nov. 14, 1620, *Order Book*, 1617, A. fol. 1101, 1620, B. fol. 460. In *Proceedings and Debates*, the date of the "killing order" is erroneously given as July 13, and the bribe is said to have been given on July 1. No doubt both these should be June. The mistake would easily be made in transcribing from Nicholas's shorthand notes.

the House of Commons. According to the petition which he now presented, he had met with nothing but delay, through no fault of his own. It was at Hastings's advice that he had sent the 100*l.* to the Chancellor. But though the money had been taken, justice had not been done.

His petition to the Commons.

Aubrey's petition at once called up Hastings, who happened to be a member of the House. He denied that he had ever given any advice of the kind. Aubrey had placed in his hands a box, which he presented to the Chancellor, without knowing what was in it. Mr. Aubrey, he had said, had been a bountiful client to him, and he therefore begged his lordship to accept the present. At the same time he had asked him to do the poor man justice without delay. Bacon had hesitated for a moment, had said that it was too much, and had finally accepted it as a present from himself, and not from Aubrey.[1]

Explanation of Hastings.

Though the witnesses contradicted one another upon points of detail, the story was sufficiently startling to arrest the attention of the House. It was followed by revelations more startling still.

Edward Egerton was one of those impracticable persons who never fail to gather round them every element of disturbance, and who pass their lives in complaining of misfortunes which are for the most part the fruit of their own wrongheadedness. He had inherited from his father the estate of Wrynehill in Staffordshire, together with other lands in the neighbourhood. Being burthened with a load of debt, he applied for assistance to Sir John Egerton, the head of the Cheshire family of Egertons, to which he was very distantly related.[2] Sir John consented to help him, and paid his debts. Edward Egerton, in return, executed two conveyances, by the first of which he assured to his benefactor the succession of his estates in case of his own death

Early history of Edward Egerton.

[1] *Proceedings and Debates*, i. 160, 164, *Bacon's Works*, ed. Montagu, xvi., note G. G. G.

[2] The common ancestor lived in the reign of Edward I. *Ormerod's History of Cheshire*, iii. 350.

without issue, and by the second, which was probably educed by fresh assistance to him in his difficulties, he unconditionally made over to Sir John the whole of his landed property. It was noticed that the two men continued on friendly terms with one another, and were frequently seen riding about in company. Yet when Sir John died, in 1614, it was not without surprise that his neighbours learned that, after making provision for his widow, he had bequeathed the whole of his property to his spendthrift cousin, to the entire exclusion of his own children.[1]

The heir, thus strangely nominated, took possession of the whole estate, and Rowland Egerton, Sir John's eldest son, lost no time in appealing to Chancery for redress.

In December 1615, Ellesmere delivered judgment, as far as the case was then ripe for a decision. Sir John had, a few years before his death, executed a deed by which a large part of his lands, including the estate at Wrynehill, was conveyed to the trustees of his son Rowland's marriage settlement, and Ellesmere had no difficulty in deciding that their claim came before that of Edward Egerton. As to the remaining lands, which alone would be affected by the will, he suspended his judgment till the validity of that document had been tested in the Prerogative Court; and till this decision could be obtained, the claimants were to remain in possession of those lands which had belonged to their respective fathers.[2]

His dispute with Rowland Egerton.

Ellesmere's judgment.

Fair as this judgment was, Edward Egerton was grievously dissatisfied. He had made up his mind that the second conveyance, by which he had surrendered his own lands to Sir John, was a mere formality, and the discovery that his kinsman had taken it in earnest, and had, by including the manor-house at Wrynehill in his son's marriage settlement, put it out of his power to return to the

Edward Egerton's resistance.

[1] *Chancery Depositions*, James I. E. 4, E. 15. Egerton *v.* Egerton. Will of Sir J. Egerton, recited in the Inquisition, p.m., *Chancery Inquisitions*, 21 Jac. I. Part 2, No. 104. It is only fair to E. Egerton to say that he was not present when Sir John's will was made.

[2] Orders, Egerton *v.* Egerton, June 28, 1614; Dec. 4, 1615, *Order Book*, 1613 A. fol. 955; 1615 A. fol. 574.

home of his fathers, was a grievous blow. He determined to spare no effort to overthrow the decision of the Chancellor. He placed every obstacle in the way of the division of the lands, and attempted to get into his possession the deed by which he had relinquished his rights. Bacon's first action in the matter after he received the seal, was to order that Egerton's application for this document should be refused. All deeds were to remain in Court till the question of the validity of the will had been determined elsewhere.[1]

His attempt to bribe Bacon.

As soon as this order was delivered, Bacon may well have thought that the question, so far as he was concerned, was finally settled. The battle which had hitherto been carried on in the Court of Chancery, was to be transferred to the Prerogative Court; and in the natural course of things, the Court of King's Bench would be called upon, if necessary, to pronounce a final sentence upon the ownership. It was not, therefore, likely, that Bacon would have anything further to do with the matter, except perhaps to give his formal assent to the decision of other judges.

Eight days afterwards, Egerton asked to speak to Bacon, and was told by Sir Richard Young, that the Lord Keeper was too busy to see him. Upon this he produced a bag containing 400*l.*, which Young took, and, in the presence of Hastings, delivered to his patron. But for one circumstance, it is not improbable that Bacon would at once have rejected the money. It is true that it was the ordinary custom to present the Chancellor with a gratuity at the conclusion of a suit. But it had been Ellesmere and not Bacon who had given judgment on the main point, and what little had been done by Bacon in the matter, had not been of a nature to call for any extravagant gratitude on the part of the suitor who was now waiting at the door. It happened, however, that Edward Egerton had been his client in the earlier stages of the dispute, and it was in this

[1] Orders, Egerton *v.* Egerton, April 18, May 11, 1616; May 28, June 2, 1617, *Order Book*, 1615 A. fol. 647, 804; 1616 A. fol. 818, 798. It was stated in the House (*Proceedings and Debates*, i. 184), that there was another order, dated June 16. But of this I can find no trace in the Order Books.

capacity that he now approached him. The money, Bacon was told, was offered as a thankful remembrance from a client. He was to buy with it a suit of hangings for his new abode at York House. Yet even with this explanation, Bacon was surprised at the largeness of the sum. Not long before, a present of plate had been brought him by the same client. He now took the purse, poised it in his hand, said that it was too much, and that he could not accept it. Yet at last he gave way to the repeated assurance that payment for past services was intended. He put the money aside, and told Young to assure the donor that 'he had not only enriched him, but had laid a tie on him to do him justice in all his rightful causes.' [1]

Bacon accepts the money.

That the money was intended as a bribe it is impossible to doubt. In a few months, the whole question was re-opened. The will had been declared valid, but the two parties, unwilling to prosecute the matter further in a common law court, begged the King to refer it to Bacon's arbitration.

Revival of the suit.

When at last the Chancellor's decision was pronounced, Egerton found, as Aubrey had found before, that his money had been thrown away. By a statute of the reign of Henry VIII., only two-thirds of such lands as were held by knight service were devisable by will. Bacon accordingly decided that two-thirds of the lands not included in the settlement were to go to Edward Egerton, and the other third to Rowland.

The judgment, in the eyes of unprejudiced persons, was unassailable. The validity of the disputed will had been acknowledged, and everything was now done for Edward Egerton that the law permitted. But in the eye of this litigious and impracticable suitor all this was as nothing. He wanted the reversal of Ellesmere's judgment and the declaration of the nullity of his own conveyance to Sir John. As long as the hated Rowland was master of Wrynehill, his life was embittered. He at once refused to submit to the decree, and Bacon was obliged to direct that the arbitration should be converted into

[1] *Proceedings and Debates*, i. 161; *Bacon's Works*, ed. Montagu, xvi. note G. G. G.

a formal suit. At last, in 1619, he re-affirmed his previous judgment in the shape of a binding decree.[1]

Further history of Edward Egerton.

There can be no doubt that this decision was substantially just. By Bacon's permission, Edward Egerton brought his case in another form before the King's Bench; and in 1620 judgment was given against him. In 1622 he applied for redress to Williams, who had succeeded Bacon as Lord Keeper, and was by him referred once more to the courts of common law, a permission which was only rendered useless by Egerton's stubborn refusal to try the case on any of the issues which were tendered to him. In the next reign, after the disgrace of Williams, he lost no time in applying to Coventry, the new Lord Keeper. The judges to whom the matter was referred by Coventry, reported against re-opening the case. Yet, in spite of this, he was allowed a fresh hearing; and once more he failed to make out his claims. Seldom has any judgment been subjected to such an ordeal, with such triumphant success.[2]

Proceedings of the Commons.

Such, as far as it is now possible to recover the truth, is the history of the two cases which were brought before a Committee of the whole House by the disappointed bribers. In one respect, indeed, they differed widely from ordinary cases of corruption. In both of them, the complaint was, not that the Chancellor had decided for, but that he had decided against, the person by whom the money was given. Yet there was surely enough to justify further investigation, especially as Egerton produced written evidence to prove that he had not only attempted to bribe the Chancellor, but had promised to pay 6,000*l.* to one of Bacon's servants named Davenport, and to Dr. Field, who had subsequently become Bishop of Llandaff, as soon as they could procure a judgment in his favour.

The case was not much altered by further inquiry. A fort-

[1] Order, Egerton *v.* Egerton, June 16, 1619, *Order Book*, 1618 A. fol. 1409.

[2] Report of Doderidge, Hutton, and Yelverton, Nov. 19, 1627. Egerton *v.* Egerton, *Masters' Reports.* Order. Egerton *v.* Egerton, June 16, 1632. *Order Book*, 1631 A. fol. 794.

night before, it seemed, Hastings had told Bacon that Aubrey intended to bring a complaint against him. "Well, George," had been the Chancellor's reply, "if you lay it on me, I must deny it on my honour;" and, unless his words had been misunderstood, he had recently made a similar declaration with respect to Egerton's story. An attempt was made by John Finch to turn the current of indignation against Hastings. He believed, he said, that it was true that Aubrey's money had been given to Hastings, but that Hastings had kept it in his pocket. Such assertions were out of place at this stage of the proceedings. The question was not whether the charges against Bacon were true, but whether there was sufficient evidence to make it worth while to further investigate the matter. The Committee therefore wisely decided upon reporting to the House that in both cases there were causes depending in Chancery at the time when the money was given.

March 15. Further inquiry.

That the Commons were in some degree prejudiced against Bacon on account of his conduct in the affair of the patents, it would be impossible to deny. But there was no wish to deal with him unjustly. On March 16, the question of the disputed jurisdiction between the Chancery and the Court of Wards came up for discussion. The debate was opened by Cranfield with his usual arrogance. But the House decided that there had been faults on both sides, and forced a member who had cast aspersions upon Bacon's character, to give a less offensive meaning to his words.[1]

March 16. Feeling of the House.

On the 17th, the report of the Committee on the charges of bribery was brought in by Phelips. His language was singularly temperate. He reviewed the evidence at some length, and pointed out the absolute necessity of a complete investigation. "It is a cause," he said, "of great weight. It concerns every man here. For, if the fountains be muddy, what will the streams be? If the great dispenser of the King's conscience be corrupt, who can have any courage to plead before him?" He concluded

March 17. The debate on the charges of bribery

[1] *Commons' Journals*, i. 558; *Proceedings and Debates*, i. 183.

by moving that they should 'present this business singly to the Lords, and deliver it without exasperation.' It would be impossible to get at the truth in any other way. The Commons had no power to summon to their bar a peer of the realm, and they were equally incapacitated from examining his accusers upon oath. The best course for them to take would be to leave the matter entirely in the hands of the Upper House.

They are sent up to the Lords.

So precisely did this proposal meet the exigencies of the case, that Bacon's friends only wasted their breath in pointing out discrepancies in the evidence. Calvert's suggestion, that the King should be asked to institute an inquiry, and the wild rants of Christopher Neville about the Chancellor sitting 'like a minotaur in the labyrinth of his court, gormandising and devouring all that came before him,' were equally disregarded by the House. The feeling of the vast majority was well expressed by Sir George More. "Were the Lord Chancellor," he said, "never so great, never so dear unto me, yet the Commonwealth, the mother of us all, is to be preferred before all. I will not speak in favour, nor against the Lord Chancellor. For, if it be gold, why should we fear to try it? I would have us go to the Lords, because we cannot do the Chancellor right without it." To such reasoning there was no reply; and Phelips was ordered to lay the evidence before the Peers, 'without prejudice or opinion.'[1]

Bacon's feelings.

Meanwhile Bacon was presiding for the last time in the Upper House. The blow which now fell upon him was entirely unexpected. He seems to have had no conception that any really well-founded charge could be brought against him, and to have fancied that the Commons, baffled in their assault upon him as a referee, were eagerly adopting a few trumped-up stories in order to punish him for his support of Mompesson.[2] The conduct of the House was, therefore, in his eyes, a mere factious attack upon authority, to be resisted

[1] *Commons' Journals*, i. 560; *Proceedings and Debates*, i. 188.

[2] Such is the feeling which seems to lie at the root of all his sayings at this time, and to be the explanation of the words used by his secretary Meautys, "He seeth the way is already chalked out."—*Bacon's Works*, ed. Montagu, xvi. note G. G. G.

at all hazards. It was not merely his personal honour which was at stake; the highest interests of the Crown and of the State were involved in the contest.

His first thought on March 14, the day on which Aubrey's accusation was brought before the Commons, was to write to Buckingham. Recently—probably in speaking of the affair of the referees—something had been said about the Chancellor's being in purgatory, from which the favourite perhaps wished him a speedy release. "Your lordship," wrote Bacon, pouring out his feelings in a letter which came straight from his heart, if any letter ever did, "spoke of purgatory; I am now in it, but my mind is in a calm, for my fortune is not my felicity. I know I have clean hands, and a clean heart; and, I hope, a clean house for friends or servants. But Job himself, or whoever was the justest judge, by such hunting for matters against him as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark, and accusation is the game. And if this be to be a Chancellor, I think if the Great Seal lay upon Hounslow Heath nobody would take it up. But the King and your lordship will, I hope, put an end to these my straits one way or other. And, in truth, that which I fear most, is, lest continual attendance and business, together with these cares, and want of time to do my weak body right this spring by diet and physic, will cast me down, and that it will be thought feigning or fainting. But I hope in God I shall hold out."[1]

March 14. His appeal to Buckingham.

It was perhaps at this time that he replied to some one who recommended him to look around him, "I look above me."[2]

That which Bacon feared was not long in coming upon him. Under the pressure of anxiety, his health, never very strong at the best, broke down completely. On the morning of the 18th he was unable to leave his house.

March 18. His illness.

In this state he received a visit from Buckingham, who

[1] Bacon to Buckingham, March 14, *Letters and Life*, vii. 213.

[2] *Bacon's Works*, ed. Montagu, xvi. p. cccxxix.

found him, as he afterwards reported, 'very sick and heavy.'[1] In one respect, the Chancellor's illness served him well. It would have been impossible for him to take his seat on the woolsack till the charges against him were cleared up to the satisfaction of the Peers; and his sickness afforded a good excuse for the temporary appointment of Chief-Justice Ley to preside in the House of Lords during his absence.

March 20. Ley appointed to preside in the House of Lords.

The result of Buckingham's interview with Bacon may no doubt be traced in the proceedings of the Commons. "His Majesty," said Calvert, "hath understood of the crimes that are laid to the Lord Chancellor's charge, and is sorry that a man whom he hath preferred should be guilty of such great crimes." He was, therefore, unwilling that accusations of such a nature 'should lie long on so great a person,' and was ready, in order to expedite the business, to direct a special commission to six members of the House of Lords and to twelve members of the House of Commons. He would see that they took up the matter vigorously, and that their inquiry was carried on during the Easter vacation, which was now at hand. He accordingly wished to have the opinion of the Commons on the course thus proposed. If they approved of it, he would send a similar message to the Lords. He hoped that the Chancellor would be able to establish his innocence; but if he failed, he was then prepared 'to show himself a most just King.'

March 19. The King proposes to take the case into his own hands.

The proposal was no doubt made in all honesty. By his conduct at the time of the attack upon the referees, James had shown that he had no intention of sacrificing his ministers to popular clamour. But the moment that a direct charge of malversation was brought, he was as ready to consent to a strict and impartial inquiry as he had six years before been ready to consent to a similar inquiry in the case of Somerset. All he asked was that he should have the appointment of the judges.

No doubt there was much to be said in favour of the scheme. The House of Lords was, with the single exception

[1] Buckingham's Declaration *Lords' Journals*, iii. 54.

of the House of Commons, the most unfit body in existence for conducting a political trial. Of all its members, now that the Lord Chancellor was set aside, Mandeville alone had received a legal education. There were many honourable men amongst them, though there were many who by no means deserved that title; but there were few, even among the best, who were not swayed one way or another by party feeling, and who could be depended upon to give a strictly judicial vote. If, however, some of the peers were factious, and some were servile, the House was still, as a body, tolerably independent, and this was more than could be said of the new tribunal which James proposed to create. That the innovation, if once permitted to come into existence, would be converted into a precedent, was certain; and it was no less certain that, whatever confidence might be reposed in the fairness of the King's intentions in the present instance, it would be highly unwise to entrust the power of finally deciding upon the guilt or innocence of Government officials to a shifting and temporary court nominated from time to time by the Crown; especially as there would be no other check upon the natural tendency of the Sovereign to support his ministers, than the very slight difficulty which he might find in selecting eighteen satellites of his own from so large a body as that of the two Houses.

In spite of all the objections which might be brought against his scheme, James very nearly carried his point.

Reception of his proposal by the Commons.

There was something enticing to superficial observation in the proposal to give twelve votes out of eighteen to members of the Lower House. Popular speakers, like Perrot and Alford, gave in their adhesion to the plan.

Coke's objection.

But Coke, whose natural acuteness was on this occasion sharpened by his dislike of Bacon, threw the weight of his authority into the opposite scale. "Let us see," he said, "that this gracious message taketh not away our parliamentary proceeding." It was not fit, he held, that any answer should be returned till the Lords had been consulted.

If there was a man in all that assembly qualified to express

the opinions of those moderate politicians who recoiled from extremes on either side, it was Sir Edward Sackville, the brother and heir of the childless Earl of Dorset. Pre-eminent in beauty of person, and in the vigour of a cultivated intellect, he wanted nothing to fit him for the highest places in the commonwealth but that stern sense of duty without which no man can be truly great. Protestantism, as a great revolt from oppression, he could understand and sympathize with. But Protestantism as a rule of life was beyond his ken. He had early broken away from the restraints of marriage, and had followed the seductions of his roving fancy wherever he was attracted by a bright eye or a tender glance. One dark day had passed over him without startling him from his evil course. His guilty love had in some way or other entangled him in a quarrel with Lord Bruce of Kinloss, which led to a challenge. The duel was fought on the frontier, half-way between Antwerp and Bergen-op-Zoom, amongst the grassy fields which stretch out their level surface to the low horizon. Young Bruce was left bleeding to death upon the sward, and Sackville returned to find the reward of his prowess in the arms of the light wanton for whose sake he had stained his sword with the life-blood of a fellow-creature.

Sir E. Sackville.

Such deeds, it is true, are not always followed by penalties of which the world takes cognisance. A man may do them, and yet may die in the full possession of wealth, and of all that wealth can give. But he who does such things is at least morally the worse for them. The shape in which Sackville's punishment came was, that when the great crisis arrived, and England was marshalled into two opposing camps, he, the man of splendid acquirements, the delight of listening senates, could not choose but take the side on which the arousing voice of Puritanism was hushed, and lived to be the minister of Charles without adding weight to the cause which he had adopted.

That time, however, had not yet arrived. Sackville's known good-will towards the cause of the German Protestants, his recent determination to accompany Vere to the Palatinate, which had been characteristically retracted on

Supports Coke.

account of some personal affront, had given him the confidence of the popular party; whilst his respect for the prerogative made him equally a favourite with those who looked with dread on the encroachments of the House of Commons. He had been chosen at the beginning of the session to the chairmanship of the Committee for inquiry into the Abuses in Courts of Justice, and it had only been by ill health that he had been compelled to resign its functions into the hands of Phelips. He thoroughly detested everything that savoured of violence or exaggeration; and it might have been expected that he would gladly have yielded to the apparent moderation of the King's suggestion. His personal friendship for Bacon was likely to draw him in the same direction. Yet, in spite of all this, when he stood up it was to second Coke's motion, with some unimportant modifications. No further resistance was possible; and the House resolved that the King should be informed that if he would lay his scheme before the Lords, they would be ready to join the Upper House in giving him a joint reply. As a matter of course, Phelips was allowed to go before the Peers with his demand for a conference on the charges against Bacon.[1]

James's first thought upon hearing what had passed was to prosecute his design. He told Calvert to thank the Commons for their reply, and to assure them that he had already sent to the Lords the message which they desired. If this was the case, his messenger was speedily recalled. At all events, nothing more was heard of the royal scheme. If Bacon were consulted on the matter, it may well be supposed that he would be the first to point out that it was now hopeless. If the Lower House could have been induced to give a warm support to the Crown, the Lords might perhaps have given way. But with the Commons lukewarm or hostile, it was madness to suppose that the Peers would relinquish one tittle of their ancient jurisdiction. Any attempt to press the matter now would only be to the detriment of the accused.

The King's plan relinquished.

That very afternoon had been appointed for the conference

[1] *Proceedings and Debates*, i. 193; *Commons' Journals*, i. 563.

between the Houses. Not a word was breathed on the subject which had been in agitation during the morning. Phelips contented himself with laying before the Upper House the evidence collected in the cases of Aubrey and Egerton, and with respectfully demanding inquiry.[1]

The charges laid before the Lords.

After the conference was at an end, Buckingham hastened to York House to inform the Chancellor of the events of the day. He found him more cheerful than he had been of late, and full of confidence that the Lords would do him justice. When he left, he carried with him a letter in which the sick man begged for time to answer his accusers, adding that he thought it likely that more petitions would be put up against him; but that he hoped that they would not give any weight to the mere number of the complainants. He had made more than 2,000 decrees yearly; and it was easy to make a great show by hunting for accusations. Whatever the charges might be, he trusted that time would be granted him to answer them severally.

Bacon's letter to the Peers.

The next day the Lords resolved to proceed at once to the examination of witnesses; and at Southampton's motion an answer, drawn up in rather curt terms, was returned to the Chancellor's letter. Bacon was briefly informed that justice would be done.[2]

March 20.

Bacon was right in supposing that the attack thus commenced would not rest here. The next morning a petition was presented to the Commons, demanding inquiry into his acceptance of a bribe of 300*l.* from Lady Wharton.

Lady Wharton's case.

Lady Wharton—such is the story which may yet be gleaned from the records of her endless litigations—had been three times married. Her second husband, Sir Francis Willoughby, had left her a considerable property, which had given rise to long and bitter contention in the law courts. Her last appearance in Chancery, at least, had not arisen from any fault of her own. A discontented servant, rummaging amongst her

[1] *Proceedings and Debates*, i. 194; *Commons' Journals*, i. 563. *Lords Journals*, iii. 51, 53.

[2] *Ibid.* iii. 54.

papers, lit upon a deed by which Sir Francis, long before he married her, had made over to his daughters by his first wife, a large portion of those very lands which he subsequently bequeathed to his widow. The man saw in his discovery an opportunity for revenge, took a note of the contents of the document, and, as soon as an opportunity offered, communicated what he had learned to the husbands of Sir Francis's three surviving daughters. The consequence was, that in the spring of 1618 a Chancery suit was commenced by these three gentlemen to compel the surrender of the deed, whilst Lady Wharton filed a cross bill to obtain a judicial declaration of its invalidity.

Bacon's judgment.

On October 30, 1619, Bacon delivered judgment in the cause. Sir Francis, it appeared, had reserved to himself a power of revocation; and, though there was no legal proof that he had made use of any such power, there was sufficient evidence that he had again and again acted in such a way as to show that he considered the deed no longer to be binding upon him. Upon these grounds the Chancellor decided that the deed must be considered to have been revoked, and that there were no grounds for compelling Lady Wharton to surrender a document which was no longer of any importance.[1]

The whole question was practically settled by this decision, though Lady Wharton's demand for a formal condemnation of the deed had yet to be heard. Accordingly, the lawyers on both sides were summoned to York House to argue what must have appeared to Bacon to be a question now devoid of interest. The deed was produced, and Serjeant Ashley, the counsel for Lady Wharton's opponents, brought forward some arguments in favour of his clients which had not been used in court before. Bacon, accordingly, was about to direct that the questions thus raised should be formally argued before him, when Shute, who

[1] Order, Willoughby *v.* Wharton, Oct. 30, 1619, Feb. 12, 1621, *Order Book*, 1619 A. fol. 978, 1620 A. fol. 749. *Miscellaneous Chancery Proceedings; Eliz. to James II.; Bills and Answers; Single Bills*, 1620-24, Part 33, No. 98. Dalston *v.* Willoughby, May 11, 1622.

was acting as counsel for Lady Wharton, interposed. His opponents, he said, should have no benefit by his client's bill. She would at once withdraw her demand for a declaration of its invalidity. In fact, she had got all that she wanted. As she was now entitled to keep the document in her own hands, it was of no importance whatever to her whether its invalidity were formally declared or not. Upon this the lawyers on the other side, who probably knew well enough that Serjeant Ashley's arguments were worth little or nothing, expressed their willingness to withdraw their bill also. Bacon, accordingly, agreed to the dismissal of both bills by the consent of the parties, taking care, however, to direct Churchill, the registrar, to see that, in entering the order, the reasons which he had recently alleged against the validity of the deed were allowed to appear.[1]

Bacon's decision had satisfied the lawyers, and had satisfied the claims of justice; but, as is not unfrequently the case, it

[1] "E. Willoughby, Esqre., Winifred his wife, W. Pargiter and Abigail his wife, M. Wood and Frances his wife, Plaintiffs.

"The Lord and Lady Wharton, Sir R. Lovelace, and E. Molineux, Defendants, et e contra.

"William Pargiter maketh oath that My Lord Chancellor having appointed one counsellor of a side to attend him at his house, where Mr. Serjeant Ashley, being of counsel with the plaintiffs, read a deed of my lady's brought thither by Mr. Shute being of her counsel, and after the reading of the said deed used some reasons to his Lordship on the plaintiff's behalf, which my Lord confessed he had not heard before; whereupon it was desired on the plaintiff's behalf, that my Lord would be pleased to appoint a time to hear them, for those reasons were the substance of my lady's cross bill. His Lordship was well pleased so to do, but Mr. Shute, being of counsel with my lady, refused to go to a hearing upon that bill, affirming that the plaintiffs should have no benefit by my lady's cross bill, for they would let it fall, and desired his Lordship to dismiss it; whereupon the counsel of the plaintiffs desired a dismission of their bill also; whereupon his Lordship did pronounce a dismission of both bills, with some reasons to be inserted against the validity of the plaintiff's deed; and the Registrar, Mr. Churchill, did draw up an order for dismission of both bills accordingly about the latter end of Michaelmas Term last.

Intratum. Juratum 27° Junii, 1620.
Jo: Amye."

*Chancery Affidavits*, Trin. T. 1620, No. 90.

had not satisfied the suitors. Nothing short of an absolute condemnation of the deed, pronounced in the most formal manner, would be acceptable to Lady Wharton. She would not hear of the withdrawal of her bill. She carried Churchill with her in her coach to York House, and entreated the Chancellor to rescind his order, and to allow the suit to proceed. Nor was it only from Lady Wharton's side that the pressure came. Her opponents, who knew that they had nothing to lose by reopening the case which had hitherto gone so completely against them, urged the same request. In face of this united demand, Bacon was powerless. He withdrew the order for the dismissal of the suits, and directed that the judgment by which he had granted her the custody of the disputed deed, should be entered on the books at once. Yet upon this latter point he subsequently gave way, on a fresh petition from the lady's opponents ; and the whole affair was allowed to stand over as an open question till a future day.[1]

As it would not be long before a final decision must be given, the concession was of no great importance. Such, however, was not the opinion of Lady Wharton. She was indignant that her adversaries should have had any respite whatever, and she convinced herself that the favour shown to them was owing to some sinister influence. She fancied, as Aubrey and Egerton had fancied before, that a bribe given to the Chancellor would be followed by the utter discomfiture of her enemies. She consulted with her attorney, a man named Keeling. The result was that she put 100*l.* in a purse, and, accompanied by his servant Gardner, drove straight to York House. "What is

[1] Churchill afterwards represented Bacon's agreement to rescind his order for the dismissal of the suits as a special favour to Lady Wharton. But the words of the order of Dec. 9, 1619, are decisive against this view of the case. It commences thus :—"Upon a petition exhibited unto the Right Honourable the Lord Chancellor on behalf of the said Pargiter and others, the co-heirs of Sir Francis Willoughby, it was desired for the reasons therein expressed that the lady might procure her cause upon her cross bill to be heard in Court before his lordship the next term, &c." —*Order Book*, 1619 A. fol. 370. Again, in an order of June 1, 1620 (*Order Book*, 1619 A. fol. 1290), the delay is ascribed to a petition, not from Lady Wharton, but from the plaintiffs.

that," said Bacon, as soon as she was admitted, "that you have in your hand?" It was, she replied, a purse of her own working, which she hoped his lordship would accept. "What lord," he said, "could refuse a purse of so fair a lady's working?" Before she left him, she told him that 200*l.* more would be at his disposal as soon as the decree was really passed.

Such was the scene which took place three days before the 29th of June, the day on which the final argument of the lawyers was heard. The result was what might have been expected. Bacon adhered to the decision which he had announced seven months before. The order of October 30 was to be passed and entered. A few days later, Lady Wharton returned to York House with the promised sum of 200*l.* The money was taken, and the long-delayed decree was entered on the books.[1]

The falsified order.

So much, at least, is clear. But it seems that, in pronouncing judgment, on October 30 in the preceding year, Bacon had said something which did not find its way into the books in which the orders of the Court were entered by the Registrar; and the Chancellor afterwards expressed his belief that Lady Wharton's lawyer, that very Shute who had been so strongly recommended by himself for the Recordership of the City, had been tampering with Churchill, the Deputy Registrar. It was not long before the audacity of the deceit was detected. An attempt on the part of Lady Wharton's opponents to reopen the case at common law, was met by an appeal to Chancery; and though Bacon, at first, granted the injunction asked for, yet as soon as his attention was specially called to the order in question, as having been drawn up 'contrary to the true intent and meaning of the Lord Chancellor,' he acknowledged the justice of the objection. The decree, he said, had been 'not duly obtained'; and Lady Wharton must, therefore, either show cause why the whole case should not be re-opened, or must be content to fight out her battles at common law.[2]

[1] *Proceedings and Debates*, i. 203, 206. Order, Willoughby *v.* Wharton, June 29, 1620, *Order Book*, 1619 A. fol. 1541.

[2] Orders, Willoughby *v.* Wharton, Feb. 12; Pargiter *v.* Wharton, March 12, 1621, *Order Book*, 1620 A. fol. 749, 801. Compare two

What was the precise point upon which the order as entered differed from the order which was actually delivered, we have no means of knowing with certainty. Judging, however, from what we do know, it seems probable that an appeal on some question or other to the common law was intended to be given; and that Lady Wharton, who had impudently begun by bribing the Chancellor to pronounce a decree in her favour, ended by no less impudently bribing the Registrar to alter the decree when she found it not altogether to her liking.

The case laid before the Commons,

Lady Wharton had been playing a game in which it behoved her to keep her counsel well, but she could not hold her tongue. It was soon known to her opponents that she had paid 300*l.* into Bacon's hands. It was soon no longer a secret that the lady had been to Bacon to complain of the reopening of the case, and that he had consoled her by reminding her that a re-hearing did not necessarily imply defeat. Is it to be wondered that they came to the conclusion that the whole affair was a swindle, carried on between Lady Wharton and the Chancellor, and that the last concession made to them was merely a device to put off the final decision till Parliament was no longer sitting? Under this im-

orders by Williams—Wharton *v.* Willoughby, Nov. 3, 1621, and Willoughby *v.* Wharton, Feb. 20, 1622, *Order Book*, 1621 A. fol. 88, 428. The case was afterwards sent by Williams to the King's Bench for a decision on the validity of the conveyances. The decree which was tampered with is stated expressly in the order of Feb. 20, 1622, to have been that of Oct. 30, 1619, which is in fact the only substantive decree in the whole case. The final order to enter it was only given on June 29, 1620, and therefore any attempt to explain the story by supposing that the falsification took place earlier may be rejected at once. We are now able to get at the date of the payment of the money. Keeling said it was 'about the time of the passing of the decree.' (*Proceedings and Debates*, i. 202.) Gardner said more distinctly, 'three days before the decree was made (*Proceedings and Debates*, i. 206), meaning, as appears from the context, the decree of June 29, 1620. If there were any reason to doubt this evidence it would be removed by Bacon's own confession that the money was received "*pendente lite.*" If the first 100*l.* had not been received till after his judgment of June 29, ordering the entry of the October decree, he would surely have pointed out that, practically at least, the case, as far as he was concerned, was closed.

pression, they heard how the House of Commons had listened to the petitions of Aubrey and Egerton, and at once laid their own grievances before the same tribunal.

Inquiry was accordingly made. Churchill was examined, but was found to be too prudent to tell a story which would compromise himself. Keeling and Gardner were more explicit, and the fact of the acceptance of the 300*l.* was established beyond dispute. Coke was delighted at the turn which matters were taking. "A corrupt judge," he said, "was the grievance of grievances."[1] Bacon's friends were reduced to a general appeal to his character, and to a denunciation of the little credit due to the informers. As a matter of course, Phelips was ordered to bring this case too to the knowledge of the Lords.[2]

and sent up to the House of Lords.

The Wharton case is undoubtedly the one upon which the assailants of Bacon's good name may fairly elect to take issue. In the Aubrey case it is impossible, in the present state of the evidence, to know with what words the nakedness of the bribe was disguised. In the Egerton case the disguise was such that, amidst the pressure of business, it was not impossible that an honest man might have failed to penetrate it. But in the Wharton case all was open. No doubt the evidence laid before the Commons was misleading. Churchill, for his own purposes, represented Bacon as far more pliant in Lady Wharton's hands than he really was. The accidental circumstance that the last order reopening the case was not delivered till after the meeting of Parliament, was calculated to give rise to unfounded suspicions. But after all deductions have been made for misrepresentation and misunderstanding, the fact that money was actually taken from a suitor before judgment was delivered remains unaffected by any explanations, and was afterwards admitted to be true by the Chancellor himself.

Inquiry into Bacon's conduct.

There were three ways in which, according to the notions

[1] Chamberlain to Carleton, March 24, *S. P. Dom.* cxx. 38. The writer does not state on what occasion the words were used. But it can hardly have been at any other moment than when this revelation was made.

[2] *Proceedings and Debates*, i. 208.

of the day, a public official might receive money. A bribe was what it has always been in every age, money given to influence the future action of the person in authority. A fee was a certain definite payment, the amount of which was settled by custom or authority, and which was regarded as the proper mode of obtaining payment for official services in an age when official salaries were purely nominal. But besides these there had grown up a class of payments, especially to persons high in authority, which were neither fees nor bribes. Under the name of gratuities, it was the custom to reward the Lord High Treasurer or the Secretary of State with presents, undefined in amount, as a reward for the trouble which they had taken, and as a retainer of their good-will in case of necessity arising for troubling them again. It was thus that, after the treaty with the Dutch in 1619, Digby, who had taken a leading part in the negotiations, openly received a present of plate from the East India Company; and that Carleton, who believed that he had contributed, by his efforts at the Hague, to the success of the negotiations, complained bitterly and without reserve that a few hundred pounds had not been placed at his disposal by the same body. Under any circumstances, such a custom must have been attended by grave abuses. It reached its height when adopted by a judge in a court of law; for amongst the multiplicity of business it was always possible that the most innocent transaction might be clothed with the semblance of corruption. A suit once closed might be reopened, or the successful litigant might have a second suit on hand with a third party. In either case the Chancellor who accepted the gratuity as soon as his decision was pronounced, was at any time liable to the discovery that the donor had other objects in view than the simple payment for past services.

Distinction between various modes of payment.

If, therefore, all that could be said against Bacon was that he had occasionally made mistakes, that he had fancied that suits were ended when they were not ended, or that he had not detected the intention with which money, ostensibly given under other pretences, had in reality

Gratuities in Chancery.

been offered, there would be cause for regret that he had not been more sharpsighted, or that he had not endeavoured to reform the abuses by the simple remedy of substituting fees for gratuities; but there would hardly be sufficient ground for charging him with any deep moral culpability.

Bacon's fault.

Unfortunately, however, in the face of Lady Wharton's case no such explanation is possible. Bacon knew perfectly well when he took the purse that the suit was not concluded; and he was certainly not ignorant that to accept money from a suitor under such circumstances was to do that which, in any other person except himself, he would have been the first to stigmatize as proof of the vilest corruption.

How far was it a proof of moral corruption.

Yet, if no flaw is to be found in the evidence which shows that Bacon's conduct was utterly inexcusable, it is by no means so plain that he was aware at the time of the enormity of his actions. Whatever Churchill might choose to say, it is certain that it was not Bacon's fault that the whole case was not closed six or seven months before he touched a penny of Lady Wharton's money. He had dismissed the whole affair, and had given a judgment which was entirely satisfactory to the lawyers on both sides, when Lady Wharton's litigiousness brought the case again before him. Again and again his time had been occupied by this quarrelsome old lady's folly. The approaching decision which he was to deliver in court, he may have argued, was a pure formality. His decision had been given long ago, and all that he intended to do was to reaffirm it. What, then, did it matter whether he took the purse now or a week later? It would not affect his judgment one way or another.

That it did not affect his judgment is certain. All that followed upon the reception of the purse was a direction that an order given nine months before should be entered in the books. Nor is it true that Lady Wharton's case was in any way expedited by her gift. For on June 1, at least three weeks before the purse was given, he had fixed upon the 29th as the day on which he was to dispose of the affair.[1]

[1] "Whereas Mr. Shute, being of the defendants'" i.e. Lady Wharton's "counsel, came this present day and moved the Rt. Honble. the Lord

The charge, therefore, that Bacon knowingly and corruptly sold or delayed justice falls entirely to the ground. The only possible explanation of his conduct is that, with his usual careiessness of forms, he contented himself with knowing that the immediate reception of the money, which he believed himself to have fairly earned, would not influence his decision; in other words, that, without a corrupt motive, he accepted money corruptly tendered. The suspicions to which his conduct would be exposed, and the evil lesson which he was teaching to the anxious and unscrupulous crowd of suitors, did not enter into his calculations.

As it was most improbable that the man who had taken Lady Wharton's purse had not laid himself open to other charges, the Lords can hardly have been surprised that when the case of Lady Wharton was brought before their House it was accompanied by two others. As the Peers subsequently refused to entertain one of these complaints, it may be taken for granted that it could not be substantiated. The other proceeded from a merchant named Smithwick, who asserted that he had improperly paid over 200*l.* to the receiver of the Lord Chancellor's fines. It did not, however, appear that Bacon knew anything about the matter at the time, and Smithwick himself allowed that he had petitioned the Chancellor for relief, and that the money had been repaid.

Cases of Holman and Smithwick.

Though these five complaints were all that were voluntarily

Chancellor for the signing and passing of a decree drawn up by the Registrar upon the hearing of the said several causes the 30th of October last, the signing thereof hath been hitherto foreborne by reason of the petition preferred by the plaintiffs; which decree his lordship would not yet pass, being a matter of great moment in regard it hath rested so long without the hearing of the plaintiff's counsel what they can say to maintain their suggestions contained in their petition. For which purpose it is ordered that counsel on both sides shall attend in Court on the second Tuesday in the next term, when such further order shall be taken touching the passing of the said decree as shall be fit; and the plaintiffs or one of them are to have notice hereof; to the end they may be provided at the time aforesaid, and the cause to be entered into the paper of that day."—Order, Willoughby *v.* Wharton, June 1, 1620. *Order Book*, 1619 A. fol. 1290.

brought before the House by persons who felt themselves aggrieved, a long list of Bacon's evil deeds had been drawn up by Churchill. The Commons knowing well that a man who is anxious to divert attention from his own misdemeanors is unlikely to be scrupulously accurate about the faults of others, and acting in that spirit of fairness which had characterized the whole of their proceedings in this lamentable affair, took care to avoid all responsibility for the assertions of the guilty registrar, and laid his paper before the Lords without note or comment.[1]

Churchill's list.

Bacon had recovered his cheerfulness as soon as it became plain that his conduct was not to be submitted to a vote of the House of Commons, but to a judicial inquiry in the House of Lords. "His most judicious friends," says a letter-writer of the day, "have already given him for gone. Notwithstanding, himself is merry, and doubteth not that he shall be able to calm all the tempests raised against him."[2] His own feeling appears to have been one of bewilderment. "When I look into myself," he wrote to the King, "I find not the materials of such a tempest as is come upon me." He had never, he said, 'been the author of any immoderate counsel.' He had 'been no haughty, or intolerable, or hateful man in' his 'conversation or character.'

March 23

Bacon regains his cheerfulness.

March 25.

Of the charges brought against him he spoke like a man of honour who is opening his eyes to the possibility that he may have committed faults, but who is still blind to their heinous nature. "For briberies and gifts wherewith I am charged," he wrote, "when the book of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart in a depraved habit of taking rewards to pervert justice, however I may be frail and partake of the abuses of the times. And therefore I am resolved, when I come to my answer, not to trick my innocency, as I writ to the Lords, by cavillations or voidances; but to speak to them the language which my heart speaketh to me, in excusing, extenuating, or ingenuous confessing; praying God to give me the grace to see to the

[1] *Proceedings and Debates*, i. 206; *Lords' Journals*, iii. 61.

[2] Brent to Beaumont, March 23, *Bacon's Works*, ed. Montagu, xvi. 328.

bottom of my faults, and that no hardness of heart do steal upon me under show of more neatness of conscience than is cause."[1]

It was perhaps in consequence of this letter of Bacon's that James resolved upon addressing one of his usual discursive speeches to the two Houses. The Commons, he said, had at last learned to treat him with respect. The Lords had always behaved well. He was, therefore, glad to see his son sitting amongst them. The whole world was talking of bribes, and he supposed that they had bribed the Prince to plead their cause. He would at once call in the obnoxious patents by proclamation. He would gladly give his consent to a Bill against informers. Buckingham had said that he had never had so much quiet as since the meeting of Parliament, since he was now freed from the crowd of projectors and informers, who, at other times, miserably vexed him at all hours. As for himself, he must acknowledge that in looking upon the face of the government, he had thought, as every man would have done, that the people were never so happy. Yet it now seemed that the country resembled some of his own coppices. When he rode round them they appeared on the outside very thick and well grown; but when he entered into the midst of them they were discovered to be full of plains and bare spots. So it was with the kingdom. The external government was good; but he was ashamed, and it made his hair stand upright, to consider how his people had been vexed and polled.

March 26. The King's speech to the Houses.

James then proceeded to touch upon Bacon's case. He doubted not, he said, that there were matters before them, some complained of out of passion, and some out of just cause of grievance. Let them weigh both, without allowing themselves to be carried away by the impertinent discourses of those who named innocent men as well as guilty. Let their judgment take hold of the guilty only. Let them proceed judicially, and spare none where they found just cause to punish[2]

[1] Bacon to the King, March 25, *Letters and Life*, viii. 225.

[2] *Lords' Journals*, iii. 68. In a letter written to Mead (*Harl. MSS.* 389, fol. 43) it is said that the King spoke directly of the Chancellor. This does not appear from the printed speech. But the allusion is evident.

A speech like this may fairly be taken as a genuine expression of the King's feelings. With the House of Commons he had every reason to be well satisfied. It had, at his bidding, refrained from trenching upon his prerogative by questioning the referees. It had granted two subsidies with unprecedented alacrity. It had abstained from pressing upon him its undoubted opinion in favour of an immediate declaration of war. The attack upon Michell and Mompesson did not touch the rights of the Crown. Nor, though he evidently wished well to Bacon, had he any desire to shelter him from a well-founded accusation. To hold a chancellor responsible for his legal opinion given in good faith was one thing; to hold him responsible for corruption was another: and, to do James justice, during the whole course of his reign he never once allowed personal favour to shield anyone whom he had reason to believe guilty of actual crime. What Bacon asked for was a fair inquiry, and to secure him this was the object to which the King addressed himself. In placing the Houses in a good humour by assuring them of his intention to cancel the obnoxious patents, he did everything in his power to bring them to a temper which would enable them to consider the question of Bacon's conduct upon its own merits.

Position of the King.

Upon the first part of the King's speech the Upper House was prepared to act. That afternoon sentence was delivered upon Mompesson in his absence. He was to be degraded from the order of knighthood, and to be condemned to perpetual outlawry. His testimony was never to be received in any court. He was to be exempted from all general pardons. If ever he returned to England he was to be imprisoned for life, and never to be allowed to come within twelve miles of the Court. His property was to be forfeited, and he was to pay, from what source does not appear, a fine of 10,000*l*. Lastly, he was to be held for ever an infamous person.

Sentence upon Mompesson.

For the first time since the evil days of Henry VI. the House of Lords had sat in judgment upon a subject accused of official malversation. The revival of the practice was undoubtedly an indirect censure upon the Sovereign whose want of energy and circumspection had

March 27. The Easter vacation.

allowed Mompesson's oppressions to flourish under the shadow of his name. But it was only for direct aggressions upon his prerogative that James had eyes, and he was blind to the lesson conveyed by the history which had been unrolled before him. The Lords were in high spirits. They ordered that March 26, the day of the King's last speech, should be yearly held as a sermon day through all England. The two Houses then adjourned for the Easter vacation till April 17.

The Lords' committees appointed to examine into Bacon's case were directed to remain sitting during the vacation.[1]

March 30. The patents cancelled.

Three weeks would, however, pass before their report could be made, and there would be time for the animosities of party warfare to cool down. If the charges against him had proceeded, as Bacon once thought, from mere faction, James was doing everything in his power to allay the resentment of the popular party. On March 30, he followed up his recent speech by a proclamation cancelling the patent for gold and silver thread, the patent for inns, and the patent for concealed lands.[2]

There was one at least by James's side who was not content with such sober measures as these. With the headlong impetuosity which was natural to him, Buckingham had now thrown himself heart and soul into his friend's defence, and he was all the more eager because rumours had reached him that there was a party in the two Houses which had formed the intention of directing against himself the weapons which had proved so serviceable against Bacon. Once more the fears which had driven him to his base desertion of the referees disturbed his mind. He had taken Williams's advice in vain. He had courted popularity only to make the way to his ruin more easy. For the evil which he dreaded there was but one remedy,—the immediate dissolution of Parliament. Yet, unaccustomed as he was to plead in vain, he now found the King's ear closed to his appeals. James was indeed capable of quarrelling with a Parliament upon some point of personal dignity; but the

Buckingham advocates a dissolution.

[1] *Lords' Journals*, iii. 73.

[2] Proclamation, *S. P. Dom.* clxxxvii. 91.

great wrong which his favourite now urged him to commit was utterly distasteful to his nature. He would not allow the representatives of the people to return to their homes with the tale, that when grave charges of peculation had been brought against a minister of the Crown, their King had refused them even the common justice of an investigation into the truth of their complaints. So urgent had Buckingham's language been, and so public was the rebuff with which he met, that for some time it was believed at Court that the breach between himself and his Sovereign was irreparable, and that the often-foretold downfall of the arrogant favourite was at last at hand.[1]

It is hard work to follow out with accuracy the Protean

[1] "Aspettiamo adesso l'esito del resto, et sopra tutto della causa del Gran Cancilliere, et forse d'altri di qualche qualità perchè il dire che fece il Rè che non risguardassero a persona, non n'eccettando il suo proprio figliuolo, ha dato loro tanto animo che sono d'oppinione che faranno quanto potranno per essaminare le azioni del Signor Marchese di Buckingham, et tanto più quanto credono che questa franca permissione di Sua Maestà proceda da stracchezza verso la parte, la quale se punto apparisca, ognuno puol poi fare giudizio del resto."—Salvetti's *News-Letter*, March 30/April 9.

"Il Gran Cancelliere se prepara per fare i suoi difesi; ma con apparenza che gli habbino da servire a poco; non scuoprendo nel Parlamento inclinatione nessuna di ammettergliene, et contra del Marchese se bene gli humori sono preparatissimi, credo però che se la passerano con questa voglia."—*Salvetti*, April 6/16.

"Si" le Parlement "eust duré davantage, le Chancelier eust eu le sault; et, comme j'entend, non sans subject, ayant fort malversé en sa charge. Le Marquis de Buckingham l'assiste de tout son pouvoir, et n'en peult venir a bout, non plus que de la rupture du Parlement, qu'il a fort souhaitée; ce que fait juger a aucuns que ce Roy s'en veut deffaire par le moyen dudict Parlement, comme il fist du Comte de Sommerset, et par le moyen de la feue Reine sa femme; soit que la longue conversation qu'il en a eue luy a donné de disgoust, ou bien que, voyant qu'il est mal voulu de tout, et luy pour son subject, il le veuille donner a la haine generale pour se reconcilier les cœurs de ses subjects."—Tillières to Puysieux, April 3/13, *Bibl. Nat. MSS. Harl.* 123, 17, fol. 47.

These extracts will, I hope, put an end to the theory which has had extraordinary vitality, that Bacon's fall was caused by Buckingham's weariness of him.

changes of such a mind as Buckingham's. Perhaps he took counsel once more with the cautious Williams. Perhaps he was really influenced by the arguments of the King, or by rumours which may have reached him of the disclosures which were being made before the Lords' Committees. Before the vacation was at an end, he had completely shifted his ground. As he could not save himself by throwing over the Parliament, he would try to save himself by throwing over Bacon. He was sorry, he was now heard to say, that the Chancellor's conduct had been so bad. He could not be sorry for his disgrace, for that, at least, he had richly deserved. There were not, however, wanting those who thought that Buckingham was merely making a virtue of necessity, and that he shrank from Bacon's defence merely because he saw that it was impossible to save him.[1]

April. Buckingham gives way.

But, whatever the truth may have been, Buckingham's insane demand for a dissolution had never been supported by Bacon. Every letter that he wrote, every word that he uttered, gave token of his readiness to see the charges against him sifted to the uttermost. At first he had believed them to be pure inventions, trumped up to gratify the malice of his enemies ; but as the vacation passed, and rumours reached him of the progress of the investigation, he

Bacon's request for an audience.

[1] "Pour le Chancelier il n'est remis sur le trottoir, mais il y sera bientost avec asseurance de sa perte. Je l'ay apris de M. le Marquis de Bouquinguam, qui est son amy, et lequel m'a tesmoigné de recepvoir a deplaisir non pas sa ruyne, car il dit qu'il l'a bien meritée, mais son mauvais gouvernement, estant homme qui avoit de bonnes partyes, et mis de sa main en la charge qu'il possede, mais que pour luy il est si affectionné au service de son maitre et du bien de son pays, qu'il abandonneroit son propre frere s'il avoit malversé. Quelqu'uns, croyent que ceste sincerité n'est qu'en parolles, et qu'en effect il a fait son pouvoir pour le sauver, mais qu'il ne l'a peu, ce qui donne subject aux plusieurs autres considerations de continuer l'opinion que je vous ay mandée par quelques unes de mes depeches de la defaveur dudit M. de Boquinguam, laquelle est fondu sur des autres apparences, dont les unes sont entierement speculatives et par un rapport du present au passé, les autres plus apparentes, mais toutes incertaines."—Tillières to Puysieux, $\frac{\text{April } 22}{\text{May } 2}$, *Bibl. Nat. MSS. Harl.* 223, 17, fol. 60.

was driven to abandon the ground which he had taken up. He now could no longer deny that, at least through inadvertence, he might have erred. Being sufficiently recovered to leave his house, he requested the King to grant him an audience. James accorded his petition, having first taken the precaution of informing the Council of his intention.

His memoranda.

The papers on which the Chancellor jotted down the memoranda of which he intended to avail himself, have fortunately been preserved. "There be three causes of bribery," he wrote, "charged or supposed in a judge.

"The first, of bargain or contract for reward, to pervert justice.

"The second, where the judge conceives the cause to be at an end by the information of the party or otherwise, and useth not such diligence as he ought to inquire of it.

"And the third, when the cause is really ended, and it is *sine fraude*, without relation to any precedent promise.

"Now, if I may see the particulars of my charge, I should deal plainly with your Majesty, in whether of these causes my particular case falls. But for the first of them I take myself to be as innocent as any born upon St. Innocent's Day in my heart. For the second, I doubt, in some particulars I may be faulty; and for the last, I conceived it to be no fault, but therein I desire to be better informed, that I may be twice penitent, once for the fact, and again for the error. For I had rather be a briber than a defender of bribes.

"I must likewise confess to your Majesty that, at new year's tides, and likewise at my first coming in (which was, as it were, my wedding), I did not so precisely, as perhaps I ought, examine whether those that presented me had causes before me, yea or no. And this is simply all that I can say for the present concerning my charge, until I may receive it more particularly." [1]

April 16. His interview with the King.

Accordingly on April 16, the last day of the vacation, Bacon was admitted to an audience. How far he carried out the programme which he had laid down for himself we do not know, but there was one point upon which he was specially desirous of the King's

[1] *Bacon's Works*, ed. Montagu, xvi. note G. G. G.

assistance. Properly enough, he had not yet received a copy of the charges made against him; for till the witnesses had been examined, it was impossible to say how far their statements would be adopted by the House of Lords, and till the Lords had adopted them, there was no formal accusation in existence to which he could be called upon to answer.[1] Bacon, however, seems to have feared lest he should be judged in the dark. He therefore begged the King to request the Lords to grant him a fair trial, and to allow him an opportunity of making his defence. To this very reasonable demand, James at once acceded, so far as to direct the Lord Treasurer to inform the House of what had passed between them.[2]

Accordingly, as soon as the Houses met on the following day, the Lords were informed by Mandeville of Bacon's request, and of the King's reply. Fresh witnesses were then sworn, and fresh names were added to the committees.[3] On the 18th it was resolved, at Arundel's motion, that a report of the examinations should be brought in on the following day, to the end their lordships might give the Lord Chancellor such particulars of his charge as their lordships should judge fit. The next morning, as soon as the evidence taken by the committee over which Arundel presided, had been read, Buckingham rose. The attitude which he now assumed, after some vacillation, was that of an advocate who, without venturing to deny his client's guilt, watches the case with the intention of taking advantage of any point that may be raised in his favour. The evidence just read, he now pointed out, was altogether in the handwriting of the persons who had been interrogated. There might, therefore, have

April 17 Re-assembly of the Houses. April 18.

[1] There has been considerable misunderstanding on this point, arising probably from a careless supposition that Bacon had been impeached by the Commons. This was not the case. No accusation had as yet been brought against him. The examination of witnesses was merely a preliminary investigation for the purpose of giving information to the Upper House. When the Lords had made up their minds to act upon it, then, and not till then, Bacon would be put on his trial, and would have a right to a copy of the charges.

[2] *Lords' Journals*, iii. 75.

[3] *Ibid.*

been a conspiracy amongst them to insert statements which had never really been made. To this Arundel replied, that the answers had been written down in the presence of the committee, and that they tallied exactly with the spoken evidence. To this statement, confirmed as it was by other members of the committee, no answer was possible.[1] The remainder of the reports was read, and finally the three committees were amalgamated, in order to draw up a connected statement of the whole evidence. The Peers then adjourned to the 24th.[2]

April 19. Buckingham's position with regard to Bacon

The joint committee, thus constituted, consisted of sixteen peers and prelates. Their names may be at once accepted as a proof that the Lords, as a body, desired to approach the delicate inquiry before them in a spirit of impartiality. The only section of the House not represented upon the committee was that composed of the connexions of the Villiers family, and of the sycophants who basked in the favourite's smile. Arundel, Sheffield, and Neile were there, ready to resist any excesses of factious animosity against a faithful servant of the Crown, whilst the names of the pure-minded Andrewes, of the virtuous Morton, and of that Russell who, long afterwards, in times when few knew what moderation was, carried to the grave, as Earl of Bedford, amidst the regrets of all honest Englishmen, a well-earned reputation for singular moderation and discretion, were a sufficient guarantee that in the discussions which were impending, nothing would be left undone to secure the furtherance of equal justice without respect of persons.[3]

Temper of the Lords.

Of the general effect of the examinations read, some inkling seems to have been carried to Bacon. From a fresh letter which he addressed to the King on the 20th, it is evident that his hope of being able to resist the accusations against him was growing faint. He trusted, he said, that the Lords would be like his Majesty in imitating Him who had refused to break the broken reed, or to quench the smoking flax. "It is not possible," he concluded by saying,

April 20. Bacon writes again to the King.

[1] Elsing's *Notes*, 9. [2] *Lords' Journals*, iii. 78, 179.
[3] *Lords' Journals*, iii. 74.

"nor it were not safe for me to answer particulars till I have my charge; which, when I shall receive, I shall, without fig-leaves or disguise, excuse what I can excuse, extenuate what I can extenuate, and ingenuously confess what I can neither clear nor extenuate. And if there be anything which I might conceive to be no offence, and yet is, I desire to be informed, that I may be twice penitent—once for my fault, and the second time for my error."[1]

Scarcely was this letter written, when some friendly hand brought him a copy of the examinations which had been read in the House of Lords. The effect was instantaneous. All thought that he was struggling against a factious opposition was now at an end. He saw, as in a mirror, the hidden secrets of his life revealed. Actions which had long ago slipped out of his memory, and which, at the time, had seemed utterly unimportant, now stood out in strange distinctness before him. In his last letter, he had talked of excuse and extenuation. He now knew that he had done that for which there was no excuse, and for which extenuation would be of no avail.

He relinquishes his defence.

Yet even in this hour of trial, conscious of the integrity of his motives, and knowing well that if there had been corruption in his actions, there had at least been none in his heart, he was unable to realise the effect which the revelation would produce upon others. He hoped that the Lords would be satisfied with his resignation of the Great Seal, and would spare him any further disgrace.

On the 21st, therefore, he made one more appeal to the King, praying him to use his influence with the Lords, to persuade them to be content with his general submission, to be followed by his resignation of the Seal. "But," he concluded, in words which showed that his old buoyancy of spirit was still uncrushed, "because he that hath taken bribes is apt to give bribes, I will go farther, and present your Majesty with a bribe; for, if your Majesty give me peace and leisure, and God give me life, I will present you

April 21. Appeals to the King,

[1] Bacon to the King, April 20, *Letters and Life*, vii. 240.

with a good history of England, and a better digest of your laws."[1] On the following day he made his promised submission to the Lords. His words, he said, came from wasted spirits and an oppressed mind. Yet, strange as it might seem, though in the midst of as great affliction as mortal man could endure, honour being above life, he would begin with a profession of gladness; for he could not but rejoice that, for the future, the greatness of a judge would be no sanctuary or protection of guiltiness (and that was, in a word, the beginning of a golden world), and that magistrates would learn, by his example, to fly from the very semblance of corruption as from a serpent.

April 22. and makes submission to the Lords.

Even in his misery Bacon's first thoughts were for his country. He then turned to his own case. "But to pass," he wrote, "from the motions of my heart, whereof God is only judge, to the merits of my cause, whereof your lordships are judges under God and His Lieutenant, I do understand there hath been heretofore expected from me some justification, and therefore I have chosen one only justification, instead of all other, out of the justifications of Job. For, after the clear submission and confession which I shall now make unto your lordships, I hope I may say and justify with Job, in these words :—'I have not hid my sin as did Adam, nor concealed my thoughts in my bosom.' This is the only justification which I will use.

"It resteth therefore that, without fig-leaves, I do ingenuously confess and acknowledge that, having understood the particulars of the charge, not formally from the House, but enough to inform my conscience and memory, I find matter sufficient and full, both to move me to desert the defence, and to move your lordships to condemn and censure me."

It was useless, he went on to say, to trouble them by singling out particulars against which he might justly except, to raise scruples touching the credit of the witnesses, or to plead extenuating circumstances. He was about to resign his office, "and therefore," he ended by saying, "my humble suit to your

[1] Bacon to the King, April 21, *Letters and Life*, vi. 240.

lordships is that my penitent submission may be my sentence, and the loss of the Seal my punishment; and that your lordships will spare any further sentence, but recommend me to his Majesty's grace and pardon for all that is past. God's Holy Spirit be amongst you."[1]

Bacon had forgotten that it is not the business of a court of law to inquire into motives, and that the Lords would only stultify themselves if at this point they gave up the investigation without recording their sentence upon acts which he had himself admitted to be indefensible. It was in vain, therefore, that his letter was brought before them by a personage no less influential than the Prince of Wales. As soon as it had been read, there was silence for a long time throughout the House. Then Pembroke rose. It was a question, he said, whether the Lord Chancellor's submission was sufficient for them to ground a judgment upon without further inquiry. As soon as the House had gone into committee to discuss the point thus raised, it became evident that the submission would not be accepted in the form in which it had been tended. Certain definite accusations had been made, and the Lords wanted to know, in so many words, whether they were true or not. The submission was therefore unanimously rejected.

April 24. It does not satisfy the Lords.

In the course of the discussion a new question had been started by Spencer:—Was the Lord Chancellor to be summoned to the bar to answer to the charges in person? Buckingham once more interposed in Bacon's behalf. He hoped, he said, that they would make a charitable exposition of the case, and would 'attribute this thing to the corruption of the time in respect of the quality of the person.' The Chancellor had already acknowledged himself to be guilty in general, though not in particular. Let a message be sent to him, in order that he might have an opportunity of making a full acknowledgment of his fault, before they resorted to the extreme step of sending for him in person. Arundel and Pembroke followed in support of the same view. "Shall the Great Seal," said

[1] Bacon to the Lords, April 22, *Lords' Journals*, iii. 84.

Pembroke, "come to the bar?" It was in vain that Saye, then, as ever, bitterly one-sided, urged that Bacon should be sent for; and that Suffolk, not unmindful of the day when the Lord Chancellor had sat in judgment upon himself, argued on the same side. Wallingford probably expressed the general opinion. His lordship's submission, he said, was too short, and it was unfit that he should presume to dictate his own punishment. Nor was it becoming that he should throw the blame of his faults upon the age rather than upon himself. He had all due respect for the person of the accused man, but if a reformation was intended, the proceedings should be as public as possible. Yet, after all, how could the Chancellor come to the bar with the seals? The House, on this point, at least, felt with Pembroke and Wallingford, and it was decided that Bacon should be applied to for a fuller answer.[1] A copy of the evidence against him was accordingly transmitted to him, together with the articles of accusation as they had proceeded from the committee.[2]

The next day, after an unsuccessful attempt to re-open the question of summoning the Chancellor to the bar, messengers were sent to inquire into his intentions. "The Lord Chancellor," they reported, "will make no manner of defence to the charge, but meaneth to acknowledge corruption, and to make a particular confession to every point, and after that an humble submission." He desired, however, to add an explanation on some particular points. Five days were accordingly allowed him to prepare his statement; and, in spite of Suffolk's renewed opposition, it was resolved that this statement should be made in writing.[3]

April 25.

On April 30, accordingly, the promised confession was handed in, with some insignificant exceptions.[4] The examinations of the witnesses have unfortunately not been preserved, but by those who have learned by experience to place unreserved confidence in Bacon's truthfulness, his own declarations, together with the additional

April 30. Bacon's comments on the charges.

[1] Elsing's *Notes*, 13. [2] *Lords' Journals*, iii. 85.

[3] Elsing's *Notes*, 18.

[4] These are amongst the *House of Lords' MSS.* and were published by me in the *Archæologia*, vol. xli.

light which can be thrown upon them by the help of the records of the Court of Chancery, will be sufficient to give a tolerably clear idea of the nature of his delinquencies.

In answer to one at least of the charges, he could offer no excuse. "He had given way," it was said, "to great exactions by his servants." He at once acknowledged that it was a great fault of neglect that he looked no better to them.

Faults of his servants.

From the remaining twenty-seven[1] articles, ten may, for all practical purposes, be summarily excluded. They related to presents given after the closing of the various suits, and which were, therefore, according to the ideas of the day, to be regarded as legitimate payments.[2] Of the rest, five cases may also be dismissed as of no real importance. When Bacon accepted 500*l.* from Sir Rowland Egerton, it was in total ignorance that the old question would be again stirred by Edward Egerton's wilfulness. Smithwick's case has been already commented on: it concerned the Chancellor's servants rather than himself. The three remaining gifts of this class had been received from rival companies which had submitted to his arbitration; but this was merely in accordance with the opinion of the day, which held that an arbitrator ought to be rewarded for his trouble, without fixing any scale of payment.

Payments after the close of the suit.

Cases where the fault was merely formal.

Still twelve cases remain, all of them open to grave objection, some of them to the severest reprobation.

Cases more or less objectionable.

From Sir John Trevor, Bacon had accepted 100*l.*, as a new year's gift, but had neglected to inquire whether his cause was ended or not. The truth was, that it had been dismissed to a trial at common-law, but that as the equity was reserved, it might again come before him judicially.

Sir J. Trevor.

He had received 600*l.* or 700*l.* from Lord Montague after the decision had been given. But the decision was resisted by the other party, and the case came up again before him. He was obliged to acknowledge that he had

Lord Montague.

[1] I adopt Bacon's numbering in preference to that of the Lords.

[2] These were the gifts brought by Hody, Monk, Holman, Fisher, Scott, Lenthall, Wroth, Dunch, Ruswell, and Barker.

received fair warning that this was likely to occur ; for when the money was brought, the bearer told him, 'that my lord would be further thankful if he could once get his quiet.' All that Bacon was able to say in defence of his conduct was that he had paid no attention to the message.[1]

Sir J. Kennedy.

From Sir John Kennedy he had received a rich cabinet, whilst a suit was pending. Bacon had seen it, and had ordered it to be carried back. When he afterwards heard that it was still in the house, he was offended at the neglect of his orders ; but he had not insisted on obedience, and all that he could now say was that the cabinet was ready to be returned to whom their lordships should appoint.

Aubrey, E. Egerton, and Lady Wharton.

Of the cases of Aubrey, of Edward Egerton, and of Lady Wharton, enough has been said already.

Hansby.

In one respect the case of Ralph Hansby resembles that of Lady Wharton. There is the clearest evidence that Bacon did that which was utterly indefensible. But there is also the clearest evidence that the money which he improperly received did not, in the slightest degree, affect his judgment.

On July 17, 1617, Bacon had decided, in Hansby's favour, a question respecting the validity of a deed by which he derived a large estate from his uncle. There still, however, remained a further question as to the property, upon which certain legacies were chargeable. The point was referred by Bacon to some of the Masters in Chancery, upon whose report he would have to deliver his final judgment. Under these circumstances he accepted a present of 500*l.* from Hansby, in whose favour the suit about the legacies was finally decided. In itself, this last judgment was, no doubt, open to grave suspicion. But, fortunately for his credit, Bacon had given the reasons upon which it was based. The question turned upon the intention of the old man at the time when he was signing the deed in favour of his nephew, and it so happened that not only

[1] The particulars of the case will be found in the *Order Books*, under the heading "Dominus St. John *v.* Englefield." In Trin T. and Mich. T. 1617, there are two Masters' Reports headed "Viscount Montague *v.* Englefield."

the lawyers who had drawn it up were unanimously in favour of Hansby's interpretation of the clauses, but that evidence was given to the effect that his uncle, before he signed the deed, had entered into an explanation in which he spoke of other property on which he intended that the legacies should be charged, and by which, therefore, his intention to exonerate his nephew was placed beyond a doubt. Once more then, in a case in which the presumptions against Bacon are undoubtedly strong, the evidence in favour of his integrity is overwhelming.[1]

Reynell.

The next case, if it had stood alone, was sufficient to procure Bacon's condemnation. In 1614, Ellesmere had decided in favour of Peacock in a suit against Sir George Reynell.[2] Difficulties arose in carrying out the judgment, and interrogatories were administered to various persons, with the view of ascertaining the facts of the case with greater accuracy. Before sufficient time had elapsed for raising the question again in court, the Great Seal was transferred to Bacon, and Reynell, who was connected with him by marriage, brought him 200*l.* to buy furniture for York House, of which he was then about to take possession. It was not till the succeeding winter that Reynell made application for a rehearing,[3] and it was either on the following or on some subsequent New Year's Day, that he brought to the Chancellor a diamond ring, which was, as Bacon admitted,

Peacock.

of too great value for a New Year's gift. What was still worse, before the suit was ended, Bacon borrowed from Peacock 1,000*l.*, and submitted to receive an assurance that no interest or written acknowledgment of the debt would be required.

Vanlore.

The case of Vanlore was similar to that of Peacock. It was proved that Bacon had borrowed from him 2,000*l.* at a time when he was a suitor in the Court.

[1] Orders, Hansby *v.* Hansby, *Order Book*, 1616 A. fol. 1257, 1617 A. fol. 661, 965, 1051, 1228.

[2] Order, Peacock *v.* Reynell, June 27, 1614, *Order Book*, 1614 A. fol. 1308.

[3] Order, Reynell *v.* Peacock, Dec. 20, 1617, *Order Book*, 1617 A. fol. 389.

Compton's case was more peculiar. He had been asked by Bacon for a loan of 500*l.*, and had refused to lend it, on the ground that the Chancellor had interfered with his attempt to proceed to extremities against a debtor, and that he now owed 400*l.* to a certain Huxley. Upon this Bacon wrote to Huxley, begging him to refrain from pressing his claim for six months ; and Compton accordingly retracted his refusal, and lent the money which had been demanded. By-and-by, however, Huxley repented of his concession, and proceeded against Compton at common law. Compton appealed to Chancery, alleging that he was merely a surety, and that Huxley ought first to have applied to those who had actually borrowed the money from him. Sir Charles Rich, one of the Masters of the Court, reported that Compton's story was a mere tissue of falsehoods, and Bacon ordered him to pay the debt with costs. Unseemly as the Chancellor's position was towards the plaintiff, it cannot be affirmed that there was any denial of justice here.

Compton.

The last case to be mentioned was an affair of a very different kind. The Company of French Merchants had complained to Bacon, that the London Vintners had entered into a combination not to buy wine at reasonable prices, and had offered him 1,000*l.* as a reward for the services which they expected him to render. Bacon at once drew up a tariff by which he considered that the vintners would make a profit of 6*l.* a tun. His scheme was, however, rejected by the vintners, and the merchants appealed to the King. James, on the ground that his customs would be injuriously affected by the cessation of trade, commissioned Bacon to settle the dispute. Thus authorised, he dealt with the vintners, as he himself acknowledged, 'more stiffly and preremptorily.' He imprisoned 'for a day or two some that were the most stiff.' Unable to resist such arguments as these, the vintners withdrew their opposition, though they complained bitterly that they had been forced 'to buy wines whereof they had no need nor use,' at higher rates than they were vendible. The merchants on the other hand, presented the Chancellor with the 1,000*l.* which they had promised him, assuring him that 'he had kept them

The French merchants.

from a kind of ruin;' and maintaining that 'the vintners, if they were not insatiably minded, had a very competent gain.' No candid person who reads Bacon's account of the matter can doubt that he acted precisely as, with his notions on trade, he would have been likely to act if he had never been offered a penny for his trouble. But no candid person can deny that in listening to the offer of payment before the service was rendered, he did precisely what in the most corrupt times would have been done by the most corrupt of ministers.

In every one of these cases additional inquiry tells the same tale. The volumes of the Order Books may be searched through, but they will never reveal an excuse for Bacon's actions. But wherever they throw any light upon his motives, that light is invariably favourable. He takes Lady Wharton's purse, but he does nothing but repeat a sentence delivered months before. He accepts a sum of money from Hansby, but he decides on evidence so conclusive that no other course is open to him. May it not fairly be supposed that this result would hold good in other instances, and that the misdeeds of the great Chancellor were attributable to contempt of forms, to the carelessness of haste, and to an overweening confidence in his own integrity? His own language during the progress of the investigation is in every respect honourable to his character. Believing at first that no case can be established against him, his only demand is for a fair and open trial. As day by day brings fresh presumption against him, he reiterates his demand, adding the assurance that no prevarication on his part shall stand in the way of justice. When the blow falls it is a crushing one. He sees the truth, and he makes no attempt to blind the eyes of his judges. He never admits that his intentions had been corrupt, nor does he ever affirm that his actions had been innocent. "I do again confess,"—such are the words with which his long answer closes, "that in the points charged upon me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect, for which I am heartily and penitently sorry."[1]

The bearing of the evidence upon the question of character.

His expression of penitence.

[1] Bacon's confession, *Lords' Journals*, iii. 98.

As soon as this submission was read in the House, a committee was appointed to visit him, in order to learn whether his signature was genuine. "My lords," was his reply, "it is my act, my hand, my heart. I beseech your lordships be merciful unto a broken reed."

It was in the midst of racking pain, physical and mental, that this cry of agony was wrung from him. He believed that he was dying. He knew that few amongst his countrymen would from henceforth regard him otherwise than as corrupt in heart and feeling. Nor was this all. A man who is in act innocent, may look forward to the day when it will be proved that he never committed the crime of which he is accused. No such proof could ever come for Bacon. To admit his innocence men must read his heart, and must learn to look upon the world with his eyes. "For my name and memory," he declared in his last will, "I leave it to men's charitable speeches, to foreign nations, and to the next ages." Yet he must have known that the next ages would have a difficult task. They would have to show, what of all things is the hardest to prove, that his heart was pure whilst his actions were guilty.[1]

[1] The following verses are valuable as giving an idea of the mode in which Bacon's case was regarded by a not unfavourable looker on :—

"Vicecomes Sanctus Albanus Cancellarius Anglicanus
Miris dotibus imbutus, ingeniosus et acutus,
Linguâ nemini secundus (ah ! si esset manu mundus)
Eloquens et literatus repetundarum accusatus
Accusatus haud convictus (utinam haud rithmus fictus)
Tanquam passer plumbo ictus est ægrotus, aut sic dictus,
Morte precor moriatur reus antequam damnatur,
Morte dico naturali (munus, non est pœna tali),
Ab amico accusatus ; miser tu, at es ingratus.
Actæon tu propriis manibus, præda facta tuis canibus
Pereant canes hi latrantes te famamque vulnerantes.
Tua sors est deploranda, quid si culpa perdonata,
Fama est per orbem flata quod sigilla sunt sublata.
Mali semel accusatus, etsi pœnâ liberatus,
Manet malum et reatus, absit hic sit tuus status.
Vive tu, si vitam cupis, vita cara ursis, lupis,
Et si quid fecisti malè, redime et benè vale."

*S. P. Dom.* cxx. 39.

With such inquiries the House of Lords had no concern. They were called upon—not to solve a psychological problem, but to punish corrupt actions, in order that they might not be imitated for the future. Their first step was to ask the King to take away the Great Seal from the man in whose custody it had been surrounded with an atmosphere of venality. James at once assented. "I would have done it," he said, "if I had not been moved therein." The next day Mandeville, Pembroke, Lennox, and Arundel were sent to the sick man to require the surrender of the Seal. They found him 'very sick.' "We wish," said one of them, "that it had been better with you." In his weariness of life, Bacon replied, "The worse, the better." Then, after a little, he added, "By the King's great favour I received the Great Seal; by my own great fault I have lost it." After this melancholy scene the messengers departed, carrying with them the symbol of the King's authority, which they had been directed to retain in their own hands, as commissioners, till a permanent successor was appointed.[1] At the same time Ley was authorised to continue his attendance as Speaker of the House of Lords.[2]

May 1. The Great Seal taken from him.

There were those amongst the peers who were not satisfied even with this humiliation. The next day, at Southampton's motion, the officers of the House were sent to summon the late Lord Chancellor to the bar. The Great Seal, which had hitherto protected him, was no longer his. But he was still able to appeal to the weakness of his physical frame. He was in bed when the officers arrived. He told them that they asked for an impossibility. He was not making excuses. If he had been well, he would willingly have come.

May 2. Bacon unable to attend the House.

The excuse thus made was accepted without difficulty on the following morning. The question was then put whether the late Lord Chancellor was guilty of the matters with which he was charged, and it was agreed to without a dissentient voice. The House then went into committee to discuss the penalty to be inflicted upon him.

May 3. The sentence debated.

[1] Elsing's *Notes*, 41. [2] *Lords' Journals*, iii. 103–104.

That it should consist of fine and imprisonment was accepted without difficulty. Lord Sheffield moved, amidst signs of approbation, that he should be incapable for the future of holding any office of judicature, or of a seat in the Privy Council. Saye, ever rancorous in his indignation against guilt, proposed that degradation from the peerage should be added. Against this extremity, Arundel and Pembroke protested. It soon appeared that Saye's proposal would be made a question between the supporters of the Court and the Opposition. It was adopted by Spencer and Southampton, the lattter of whom took credit to himself for not having recommended the addition of banishment, of which he declared the late Chancellor to be worthy; whilst Lennox, Mandeville, Hamilton, and the Prince himself spoke in Bacon's favour. At last a compromise was suggested by Hamilton. Let him be spared from personal degradation; but let him lose his right of sitting in the House, or of coming to Court. After this, Arundel, who had earlier in the debate acknowledged the foulness of the offence, nevertheless again deprecated the idea of expulsion from the peerage. It was not usual, he said, to degrade a peer excepting by Act of Parliament. Bishop Neile added a more peculiar reason. It would be well, he said, to leave him his title, that he might remember from whence he had fallen. To these arguments no reply was made; but Southampton, fearing perhaps lest Bacon might escape altogether, rose again. "Is it well," he said, "that he whom this House thinks unfit to be a constable, shall come to the Parliament?" After this the exclusion from Parliament was voted without a dissentient voice. As soon as it was carried, Buckingham, apparently with the intention of averting any further addition to the sentence, observed that Bacon was so sick that he could not live long.

The House then resumed, and the sentence was formally put into shape. The late Chancellor was to pay a fine of 40,000*l.*, to be imprisoned in the Tower during the King's pleasure, to be incapable of any place or employment in the State or commonwealth, and to be disabled from sitting in Parliament, or from coming within twelve miles of the Court.

An attempt made by Suffolk's son, Lord Howard de Walden, to gratify the animosities of his family, by the suspension during life of Bacon's titles of nobility, was thwarted by the good sense of the House. Such a sentence would have been more than a penalty for a crime; it would have been a personal disgrace inflicted upon the offender. The Prince and Buckingham came to the aid of the fallen Chancellor, and it is said that the Bishops voted as one man on the side of lenity. Their efforts were successful, and the proposition was rejected by a majority. The remainder of the proposed sentence was then put to the vote, and was carried with a single dissentient voice —the voice of Buckingham, who had found little to say in extenuation of such faults as those with which Bacon had been charged, but had made it a point of honour not to abandon his constant supporter in extremity.[1]

The Commons were then summoned to the bar, and the judgement resolved upon was pronounced. It was a heavy sentence, but not more heavy than the circumstances of the case demanded. It was well that the House of Lords should declare its opinion that the late Lord Chancellor could no longer be employed with advantage in the service of the State. The fine and imprisonment were, as every one knew, worse in appearance than in reality. Such penalties were in those days little more than a strong expression of opinion: if the condemned person sought for a remission of his sentence from the King in sufficiently humble terms, the remission was almost certain to be accorded; and no one could doubt that Bacon was likely to be humble, and that James was likely to be forgiving.

The sentence delivered.

When the history of the debate was told to Bacon, he remarked 'that he was only bound to thank his clergy.' Some weeks later, looking back upon the past in a more serious mood, he said that though he was bound to acknowledge 'the sentence just, and for reformation's sake fit,' yet that he had been the justest Chancellor since his father's death. The judgment thus recorded by himself may be accepted by history as final.

Thus fell Francis Bacon, Viscount St. Alban, from the

[1] Elsing's *Notes.*

highest eminence to which a subject could climb. Neither of the great English parties which were so soon to spring into existence could claim him as their own; and as long as the influence of those parties continued to lay its spell upon history, his memory was left without a champion. His name was used by satirists, who knew nothing of his life, to point the commonplace moral that intellect dissociated from virtue must fail to command success. In our own days, the most brilliant of historians, exasperated by the absurdities of a weak and ignorant panegyrist, took the case against Bacon under his patronage, and in language which will be read as long as the English tongue endures, painted the great statesman and the great philosopher in colours as odious as they are untrue to nature, because his thoughts and principles did not square with the system of a Whig politician of the nineteenth century.[1] After this, it is hardly to be wondered at that a great German chemist should have boldly declared him to be a charlatan and an impostor, because he was neither a Kepler nor a Faraday. It is time that Bacon should be known as he really was. He was not the faultless monster which it has pleased some of his too enthusiastic worshippers to represent him. But far less was he that strange congeries of discordant qualities which were never found united in any human being. He was not one man as a thinker, and another man as a politician. In every part of his career he was indefatigable in his pursuit of truth and justice. His faults as a philosopher, as a statesman, and as a judge, arose alike from the same source. "I have taken all knowledge for my province," he once ex-

Bacon's fall.

[1] It will be seen that I have little sympathy with Lord Macaulay's view of Bacon's character. But there are wonderful flashes of common sense in his essay. For instance, when have the writers who believe in Bacon s faultlessness, answered such an argument as this?—"It seems strange that Mr. Montagu should not perceive, that while attempting to vindicate Bacon's reputation, he is really casting on it the foulest of all aspersions. He imputes to his idol a degree of meanness and depravity more loathsome than judicial corruption itself. A corrupt judge may have many good qualities. But a man who, to please a powerful patron, solemnly declares himself guilty of corruption when he knows himself to be innocent, must be a monster of servility and impudence."

claimed in the enthusiasm of youth. He laid himself open to the criticism of chemists and astronomers, because he believed that the whole intellectual world was at his feet, and that a single generation would suffice to classify and arrange the infinite phenomena of nature. He laid himself open to the criticism of statesmen and lawyers, because, in his reverence for the powers of intellect, he despised the checks upon the exercise of sovereign power which in a free constitution are necessarily placed in the hands of commonplace and ill-educated men. He laid himself open to the criticism of the moralist, by fancying that integrity of heart might be left to its own guidance; and that a vivid intelligence and a direct honesty of purpose might safely dispense with the forms which are needed for the guidance of smaller men, and might even, on occasion, overstep the line at which courtesy passes into insincerity. Yet, in the end, the wisest and greatest of his generation had to learn that he too was fallible, and that even for him forms were necessary.

His failure as a statesman.

The tragedy of Bacon's final catastrophe has branded itself upon the memory of succeeding generations. Yet his failure as a judge is not to be compared, in real interest, with his failure as a statesman. The one is attractive as a psychological problem; the other contains a lesson to which it is well to give ear at all times and in all seasons. In the speculative ideal which he set forth to the world in the *New Atlantis*, he proposed that different tasks should be distributed to different classes of labourers in the cause of science, no one of which was to share in the duties of another. The collector of facts was not to conduct experiments. The conductor of experiments was not to pronounce upon their value. It was to be the duty of a body of men standing apart from the vulgar contamination of the observatory and the laboratory, to make use of the results by raising the scattered truths to the dignity of a higher science. In the same spirit he would have assigned to all men their position in the State. The country gentlemen might administer a rude justice in their respective districts. The judges might decide moot points of law bearing upon the

BOROUGH OF LEWISHAM BROCKLEY BRANCH

rights of property. Parliaments might vote subsidies, might, subject to the veto of the Crown, assent to laws for the benefit of the commonwealth, and might give useful information of the state of public feeling, or of the existence of popular grievances. But, knowing as he did, that the highest work of legislation and government calls forth the highest faculties of man, he did not venture to confide the chief interests of the nation to common hands. In the Sovereign who had recognised his own merit, he saw, or fancied that he saw, a patriotic king, who would control the hard technicalities of the judges by his Court of Chancery; who would supply the weakness of criminal justice by his Court of Star Chamber; and would regulate, by means of his Privy Council, questions of high policy with which Parliament was unfit to be trusted. How it ended we all know. On the great questions on which his advice would have been truly valuable, on the reform of the law, on the Spanish alliance, on the war in Germany, he was probably never seriously consulted during the four years of his tenure of the Great Seal; and his opinion, whenever, at long intervals, he ventured to tender it, was certainly never adopted. Yet it is not to the incapacity of James, or the arrogance of Buckingham, that we must look for the heaviest condemnation of Bacon's system. If ever a man was fitted, by nature and study, to be the leader of a nation, it was he; and yet this man, great as he was, failed ignominiously, no less in that which he did, than in that which he was compelled to leave undone. Narrow as, in many respects, the commercial policy of the House of Commons was, it was not so narrow as Bacon's. It saw by instinct what Bacon could not see,—the intolerable abuses which would necessarily spring from the powers which he claimed for the Crown. In condemning Bacon it condemned, in a rude and accidental fashion, the theory of government which draws a distinct line of separation between the Executive and the representatives of the people, and which affords no scope for that mutual play of special knowledge and of popular instinct which may sometimes check the speed at which an enlightened Government would fain advance, but which has saved us from incalculable blunders on either side,

and which, above all, has made our slow progress more certain than that of other nations, because it has ensured that the amelioration of the laws shall go hand in hand with the growth of the national conscience.

His monarchical theories

Yet, whatever we may think of Bacon's political ideas, it is grossly unfair to him to confuse his devotion to monarchy with the narrow-minded partisanship of the Cavaliers of the Restoration, or with the no less narrow-minded theories of the non-jurors of a later age. In his eyes the cause of monarchy was the cause of intellect in the eternal battle against ignorance, pedantry, and routine. He believed that, on the whole, the King would choose wiser servants than a body so inexperienced as the House of Commons was likely to do. He feared the encroachments of the popular party for the same reasons as those which, in later times, led Canning to throw his weight into the scale in opposition to the advocates of popular reform. Then, as now, the victory was to be won, not by mere declamation on constitutional privileges, or on the rights of the people, but by the spread of political knowledge, and of that moral self-restraint which, in every noble people, is the surest result of increased responsibility.

## CHAPTER XXXV.

### THE JURISDICTION OF PARLIAMENT.

Unconscious of their high destiny, and utterly unembarrassed by any theories about their constitutional position, the Commons steadily pursued the course upon which they had entered, and continued to strike at practical abuses. The day after judgment had been delivered in the case of the late Lord Chancellor, they were summoned to the bar of the Upper House to hear Michell sentenced to degradation from the order of knighthood, to imprisonment during the King's pleasure, to a fine of 1,000*l.*, and to perpetual exclusion from public office.[1]

May 4. Sentence upon Michell.

Not many days before, a fresh case of corruption had been laid before the Lords. It had been proved, to the satisfaction of the Commons, that Sir John Bennett, the Judge of the Prerogative Court, had abused the opportunities afforded by his jurisdiction, to extort large sums from those who had, in due course, applied to him for letters of administration.[2]

April 24. Charge against Sir J. Bennett.

With these vigorous proceedings the King had no reason to be displeased. With his usual indolence, he was glad enough to see others labouring to detect abuses which he had never discovered himself. If he was jealous at all, it was rather of the form than of the substance of authority. It was in this spirit that, on April 20, he had addressed the Houses. They would do well, he said, to

April 20. The King on good terms with the Houses.

[1] *Lords' Journals*, iii. 89, 95, 108.

[2] *Proceedings and Debates*, i. 233, 241, 256, 279, 297 ; *Lords' Journals*, iii. 87.

take away all patents that were grievances, and likewise those grievances of unjust judges. It was a happy thing for him to be informed of such great abuses. But let them beware of attacking his Ministers for private objects ;[1] and above all, let them see that they did not abridge the authority of the courts, or of the Royal prerogative.[2]

These last words were evidently directed against a bill which had just been read a first time in the Commons. Under the modest title of 'An Act for the Reversing of Decrees in Courts of Equity on just cause,' it provided that, at the re-hearing of any case in Chancery, the two Chief Justices and the Chief Baron should act as assistants to the Chancellor, or, in other words, that the final decision in a court, the main value of which consisted in its readiness to afford redress against the injustice committed by the common law judges, should be entrusted to a body in which those very judges composed the majority. Such a bill would doubtless be highly satisfactory to Coke, as it would give him back, at a blow, all the ground which he had lost in his dispute with Ellesmere in 1616. But James, whatever his motives may have been, did good service in opposing so retrograde a measure.[3]

The Bill for Chancery Reform.

The House had, in the course of the session, given way too often to the King's susceptibilities to make it probable that offence would be taken at this last specimen of self-assertion. There were, however, some demands to which it was impossible to assent. For the first time for more than two months, James addressed a few words to the Commons on the subject of the state of the Continent. He was continuing to negotiate, he said, in hope of peace ; but in the meanwhile it would be necessary to purchase arms and to prepare for war. All this would require money ; and the

Fresh supplies refused.

[1] This was probably a reflection from his own mind of Bacon's belief that he was attacked factiously. Bacon had not yet acknowledged his faults.

[2] *Proceedings and Debates*, i. 285.

[3] *Ibid.* i. 274. There is a copy of the Bill amongst the MSS. of the House of Lords.

subsidies which had been so freely granted were already spent. He hoped, therefore, that an additional supply would not be refused.

James had yet to learn, that the one way to gain support from the Commons was to take them into his confidence. Vague assurances of good intention were not enough, unless he could openly invite their co-operation in carrying out a definite policy. They accordingly received his demand with studied silence, and returned no reply whatever.

It was evident that time was weakening any confidence which, at the beginning of the session, the House may have been inclined to repose in the foreign policy of the King. But in domestic affairs he was still, within reasonable limits, able to have his way. The very day after he had asked for a fresh subsidy, the patent for alehouses, which had been virtually condemned weeks before, but which had never been actually declared a grievance, was brought up for discussion. Hard things were said of Mandeville, who had been one of the referees ; and there was every sign that the House wished to call him to account for the part which he had taken in the matter. But there was one obstacle in the way. The patent had been already withdrawn by proclamation ; and the King, who had so lately recommended the House to be careful of infringing the Royal prerogative, might take umbrage if they showed their distrust of his word by passing a formal censure on an abuse which he had already disposed of, or if they again stirred up the old question of the responsibility of the referees. Phelips, impetuous as he was, recommended, at least, delay ; but the resolution to proceed to a parliamentary condemnation of the grant was supported by men of such known moderation as Roe and Sackville, and they had no difficulty in carrying their point.[1]

The patent for alehouses condemned. April 21.

James, as soon as he heard what had passed, showed every sign of vexation. It was strange he said to Cranfield, who was fast rising into the position of a mediator between the Crown and the Commons, that the House could not remember what he had said till the sun had gone once about.

The King's displeasure.

[1] *Proceedings and Debates*, i. 297 ; *Commons' Journals*, i. 586.

Cranfield did what he could to pacify him. The House, he replied, had done nothing but what was for his Majesty's honour. James told him that he thanked them for that, but that he wished they would not be so careful for his honour as to destroy his service. He would not have the referees questioned, unless it could be shown that they had been influenced by corruption. Any man was capable of making a mistake.

The Commons retreated, without loss of dignity, from the position which they had assumed. They examined Mandeville's certificate in favour of the patentees, and, affecting to be thoroughly satisfied with it, passed on to inquire into the conduct of the patentees themselves. Yet it was soon evident that there was no serious intention of prosecuting the matter further. The offenders were released on bail. They were examined by a committee, and a report was presented to the House. It was then ordered that the question should be taken into consideration at a future day, and the matter was allowed to drop.[1]

April 24. The Commons give way.

Another difficulty, which arose about the same time, was less easily settled. On April 18, Yelverton was, by the King's permission, fetched from the Tower and examined in the House of Lords upon his knowledge of the circumstances attending the grant of the patent for inns, and the patent for the manufacture of gold and silver thread. Smarting under his imprisonment, he let fall some rash words about his own punishment. If ever, he said, he had deserved well of his Majesty, it was by his conduct in the affair of the patent for inns; and yet his behaviour on that occasion had been the cause of his present suffering.[2]

April 18. Yelverton blames the King.

If James had been displeased with the Commons for their attack upon Mandeville, he was furious with the Lords for permitting such words to pass in silence. He fancied that he saw in their conduct evidence that they were ready to welcome an assault upon Buckingham. He went down at once to the House, gave

April 24. The King demands that he shall be questioned.

[1] *Proceedings and Debates*, i. 308, ii. 52.

[2] *Lords' Journals*, iii. 77.

his own account of Yelverton's proceedings, and called upon the Peers to punish him for the slander.[1]

Yelverton's spirit was now fully roused. Standing at bay, he refused to explain away his words. He had done his best, he said, to stop the proceedings of the Exchequer against the offenders who had kept open their inns in defiance of the patent. It was for this that he had been threatened with the ill-will of the all-powerful favourite, who stood 'ever at his Majesty's hand, ready to hew him down.' Mompesson had brought threatening messages, telling him that, if he did not take care, he would run himself upon the rocks, and that, unless he supported the patent, he should not hold his place for an hour. "My Lord," it had been said to him, "has obtained it by his favour, and will maintain it by his power." Yelverton then turned fiercely upon Buckingham. "Howbeit," he said, "I dare say if my Lord of Buckingham had but read the articles exhibited in this place against Hugh Spencer, and had known the danger of placing and displacing officers about a king, he would not have pursued me with such bitterness."[2] At this daring outburst, cries were heard on every side, bidding the speaker to hold his peace. Buckingham, who was always more ready to bear down opposition than to silence it, bade him haughtily to proceed. "He that will seek to stop him," he said, "is more my enemy than his." After some interruption, Yelverton was permitted to go on, and concluded by asserting that he was ready to prove all that he had said.

April 30. Yelverton attacks Buckingham.

As soon as the prisoner was removed, Buckingham rose again. Yelverton, he said, had objected to the proceedings in the Exchequer, and his objections had been accepted by the King; but he had originally assented to them for the sake of his fee of ten shillings upon each case. As for the charges against himself, he threw himself upon the House; but he must beg their lordships to remember that Mompesson, who was said to have carried the message, was absent, and could not be examined.

[1] *Lords' Journals*, iii. 81. Salvetti's *News-Letter*, $\frac{\text{April 27}}{\text{May 7}}$.

[2] *Lords' Journals*, iii. 121.

After some further conversation, Yelverton was recalled, to be further questioned upon his conduct relating to the patent. As soon as the examination was at an end, Buckingham moved that he might be committed a close prisoner to the Tower, for his reflection upon the King's honour, in declaring that James had allowed the Royal authority to be usurped by a subject. Against this proposal Southampton protested. He was supported by Saye, who pointed out that the words had been spoken, not against the King, but against Buckingham. The House finally decided upon sending Yelverton back to the Tower, without mentioning the cause of his committal.[1]

Question between the King and the Lords.

The next day a message was brought from the King. He had naturally been provoked by a comparison which implied a parallel between himself and Edward II., and by the suggestion that he had inflicted punishment upon Yelverton merely for his refusal to follow Buckingham's caprices. At Buckingham's request, he said, he should leave the insult which had been directed against his lordship in the hands of the House; but he should himself take care to vindicate his own honour. Such a message, no doubt, seemed simple enough to James, but there were some among the Lords who replied that the King had no right to take out of their hands the judgment of a fault which they were still engaged in investigating. In spite of the opposition of Buckingham and the Prince, these objections prevailed, and a remonstrance was drawn up to beg the King to allow the House to deal with the whole matter. Before this remonstrance James gave way, and signified his intention of leaving Yelverton entirely to the Peers.[2]

It can hardly admit of a doubt that though many amongst the Lords took an ill-concealed pleasure at this attack upon the favourite, Yelverton's unguarded speech had put him completely at the mercy of the Court, and it was impossible to vote for his acquittal without entering into a direct conflict with the Crown. Even under these circumstances, a scene occurred which betrayed for a moment the passions

[1] Elsing's *Notes*, 42. [2] *Lords' Journals*, iii. 104, 114.

smouldering beneath the surface. The notes of Yelverton's attack upon Buckingham were read, and a question was raised whether he should be heard in explanation of his words.[1] Arundel rose to dissuade the House from hearing the prisoner any further. We have his words, he said, and nothing more is necessary. In itself such a doctrine was not likely to meet with acceptance amongst the opponents of the Court, and it was specially unpalatable as coming from one who, as the representative of the Howards, might well seem to have strayed from his natural position in swelling the ranks of the supporters of the favourite. The feeling of the popular party was felicitously expressed by Spencer. He was surprised, he said, to hear such a doctrine from the Earl of Arundel, for he remembered that two of his ancestors, the Duke of Norfolk and the Earl of Surrey, had been unjustly condemned to death without a hearing. Stung by the retort which he had called down upon himself, Arundel sprang to his feet. "My Lords," he replied, with all the haughty insolence of his nature, "I do acknowledge that my ancestors have suffered, and it may be for doing the King and the country good service, and in such time as when, perhaps, the lord's ancestors that spake last kept sheep."[2] An insult so uncalled for was received with a storm of reprobation on all sides. Suffolk attempted to interpose. He was even more nearly related than Arundel to those of whom Spencer had spoken, and he truly said that he thought that he had heard nothing but what was to their honour. The Prince then stepped forward, and demanded the adjournment of the House. For more than a week no further reference was made to the affair, and time was given for the angry passions which had been excited to calm down. In the meanwhile Yelverton's case, which had been interrupted by Arundel's unseemly attack upon Spencer, had been brought again before the Lords. On May 12 Buckingham moved that the House should proceed at once to censure him for his insult to the King. Again

May 8. Debate on Yelverton's case.

Quarrel between Arundel and Spencer.

May 12. Discussion whether Yelverton is to be heard.

[1] *Lords' Journals*, iii. 111, 115; Elsing's *Notes*, 71.

[2] Words spoken in the House, May 8, *S. P. Dom.* cxxi. 15.

voices were raised, demanding that he should first be heard in his defence. Bishop Morton attempted to mediate. "The words," he said, "were scandalous, whatsoever their meaning was. But let us hear what meaning he places on them himself." Against the suggestion thus made, Arundel rose defiantly. "Sir Henry Yelverton," he said, "is not judged unheard. He spake the words openly in this House. He had time to explain himself, and his speech we have in writing." But neither Arundel nor Buckingham was able to carry the House with him on such a question. The Lord Treasurer and the Archbishop of Canterbury joined in protesting against a doctrine that an accused person was not to be heard in his own defence. Dorset, Suffolk, and Southampton followed in their wake. At last, in order to satisfy the exigencies of the King, it was agreed that the words spoken touched the King's honour as the House did 'yet conceive.'[1] No final judgment was to be passed on them till the prisoner had been heard.

May 14. Yelverton heard.

Accordingly, on the 14th, Yelverton was brought to the bar to answer for himself. Unable to offer any legal proof that Mompesson had not invented the messages which he had brought from Buckingham, he was reduced to explain away his words as best he might. There must have been many present who felt that the spirit of his accusation was true. But there was no evidence before them to show that it was literally true, and the Lords did not venture, perhaps did not wish, to cast upon the King the stigma which would be implied in a dismissal of the charge. Yelverton was accordingly declared to have attacked the honour of the King. With regard to the words spoken against Buckingham, the House was less unanimous. All were willing to declare them to be scandalous; but a minority—we know not how large, nor of whom it was composed—protested against declaring them to be false.[2]

May 16. His sentence.

The prisoner was then sentenced to pay ten thousand marks to the King, and five thousand to Buckingham; to be imprisoned during pleasure, and to ask pardon for his offence.

On the following day the House proceeded to deal with

[1] Elsing's *Notes*, 77. [2] Elsing's *Notes*, 79.

Arundel, whose indomitable pride was unconquered. To the House, he said, he was ready to apologize. To Lord Spencer he had nothing to say. He persisted in his refusal, and was sent as a prisoner to the Tower, from which he was only released at the special request of the King, and upon an engagement from the Prince of Wales that he would see a reconciliation effected between the two peers.[1]

May 17. Arundel committed to the Tower.

By Buckingham the result of the proceedings against Yelverton was regarded in the light of a personal triumph. He was now, he was heard openly to boast, "Parliament-proof." With that magnificent display of generosity which he knew well how to assume towards a beaten adversary, he at once remitted his share of the fine, and the Prince was requested by the House to express a hope that the King would be equally merciful.[2]

Not only had the favourite succeeded in bringing his own barque into smooth waters, but he had carried his brothers with him into a safe harbour. With the abandonment of the inquiry into the patent for alehouses, the charge against Christopher Villiers fell to the ground, and Sir Edward, who had lately returned from his mission to Germany, was allowed to take his seat in the Commons without further molestation, though he prudently declined to avail himself of the permission till the storm had completely blown over.[3]

Charges against Buckingham's brothers withdrawn.

Seldom has the unfitness of the Lords to act as a judicial body been more clearly brought out than in the treatment

[1] Chamberlain to Carleton, May 19, June 9, *S. P. Dom.* cxxi. 44, 88. Salvetti's *News-Letter*, May $\frac{18}{28}$. It is worth while to compare this story, as told at the time, with that which has been adopted by subsequent writers from Wilson's history. Wilson makes Spencer follow Arundel with an imaginary speech, "When my ancestors were keeping sheep, yours were plotting treason," omitting all reference to Spencer's real words. Both the letter and the spirit of the narrative are thus entirely sacrificed.

[2] *Lords' Journals*, iii. 123, 124. Chamberlain to Carleton, May 19, *S. P. Dom.* cxxi. 44.

[3] *Lords' Journals*, iii. 76; *Proceedings and Debates*, ii. 3

which Yelverton received at their hands. No real effort was made to sound to the bottom that evil system of which Yelverton's hints had disclosed the abysses. No attempt was made to define the law which limited the free expression of opinion on the actions of persons in authority. It was enough that Yelverton had uttered or implied a condemnation of the King's proceedings; and even those who believed that what he said was true, shrank from pronouncing a sentence in his favour.

Liberty of speech.

Yet, in truth, though much may be done by the substitution of trained and independent tribunals for a body composed, like the House of Lords, of men either dependent on the Court, or influenced by their own political feelings, the fault did not lie entirely with the composition of the tribunal by which Yelverton was tried. It is only when the great truth that liberty of speech is a good thing in itself has sunk deeply into the national conscience, that such scenes as those which attended Yelverton's condemnation become impossible, and unhappily the Peers did not stand alone in their ignorance of this corner-stone of freedom.

During the early years of James's reign, indeed—except when actual treason was supposed to have been committed—little had been heard of penalties for words spoken or printed on political subjects. The times were quiet, and there was no general inclination to take part in the quarrel which divided the Crown from the House of Commons. With the attack upon the Palatinate, all this was changed. The nation was resolutely bent upon following one line of policy. The King was no less resolutely bent upon following another. Hard words were spoken everywhere, if not of the King himself, of the King's ally, the King of Spain; and these words sometimes found their way into print, or into sermons which, in those days, had a real political importance. James was sorely irritated. Of the real benefits of freedom of utterance he knew as little as any of his contemporaries. He issued a proclamation [1] forbid-

Proclamation against free speech.

Dec. 24, 1620.

[1] Proclamation, Dec. 24, 1620, *S. P. Dom.* clxxxvii. 87

ding men to speak on State affairs. Scot, the author of the clever pamphlet, *Vox Populi*, was forced to save himself by flight.[1] Dr. Everard, a London preacher, was summoned before the Council, and was committed to the Gatehouse, for inveighing in a sermon against the Spanish cruelties in the Indies.[2] But the case which most justly attracted public attention was that of Dr. Ward, of Ipswich, a man of considerable reputation as a preacher, who possessed the unusual accomplishment of ability to express his thoughts with his pencil as well as with his pen. He had lately put forth his skill as a caricaturist upon a picture which Gondomar had been able to represent as an insult to his master. On one side was to be seen the wreck of the Armada, driven in wild confusion before the storm. On the other side was the detection of the Gunpowder Plot. In the centre the Pope and the Cardinals appeared in consultation with the King of Spain and the Devil.[3] Ward paid for his indiscretion by a short imprisonment, followed by an inhibition from preaching any more at Ipswich. By the people he was regarded as a martyr, and a story was freely circulated, telling how in reality he owed his punishment to the manly stand which he had taken against the election of a Papist as a knight of the shire for the county of Suffolk.[4]

1621. January. Cases of Scot, Everard, and Ward.

The invariable correlative of restraint upon speech is licentiousness of action. The repression to which James had subjected the spirit by which Englishmen were almost universally animated, only caused that spirit to burst out in irregular channels. As Gondomar was one day passing down Fenchurch Street, in his litter, a saucy apprentice shouted after him, "There goes the devil in a dungcart." Stung by the taunt, one of his servants turned sharply upon the offender. "Sir," he said, "you shall see Bridewell ere long for your

Insult to Gondomar.

[1] Chamberlain to Carleton, Feb. 3. Locke to Carleton, Feb. 16, *S. P. Dom.* cxix. 64, 99.

[2] Mead to Stuteville, March 10, *Harl. MSS.* 389, fol. 37.

[3] Description of Ward's Picture, *Harl. MSS.* 389, fol. 13.

[4] Mead to Stuteville, Feb. 24, *ibid.* 389, fol. 21. Petition of Ward, May 31, *S. P. Dom.* cxxx. 127.

mirth." "What!" was the reply, "shall we go to Bridewell for such a dog as thou?" Suiting his action to his words, the lad raised his fist, and knocked Gondomar's follower into the gutter. The ambassador appealed to the Lord Mayor for justice, who, sorely against his will, sentenced the apprentice, and his companions who had supported him, to be whipped through the streets. That an Englishman should be flogged for insulting a Spaniard was intolerable to the London populace. A crowd soon gathered round the cart, the youths were rescued, and the officials whose duty it was to carry out the sentence were themselves driven away with blows. Gondomar once more complained to the Lord Mayor, but the Lord Mayor, who in heart sympathized with the offenders, drily informed him that it was not to him that an account of the government of the City was to be rendered. James was next appealed to, and at once responded to the appeal. He came down in person to Guildhall. If such things were allowed, he said, he would place a garrison in the City, and seize its charter. The end of the affair was tragical enough. The original sentence was carried out, and one of the apprentices died under the lash.[1]

April.

The feeling of indignation with which James's one-sided severity was received spread to higher regions. Chafing under the self-imposed silence which had for many weeks restrained their tongues from even mentioning the name of the Palatinate, the Commons were in a temper to catch eagerly at the first opportunity which offered itself to give vent to the thoughts which were burning within. It was not long in coming. An aged Roman Catholic barrister, named Floyd, who had been imprisoned in the Fleet by the Council, had been guilty, as the House was informed, of the heinous offence of rejoicing at the news of the battle of Prague. "Goodman Palsgrave and Goodwife Palsgrave," he had been heard to say, "were now turned out of doors." At another time he had argued that Frederick had no more right

April 30. Floyd insults Frederick and Elizabeth.

[1] Meddus to Mead, April 6; Mead to Stuteville, April 7, *Harl. MSS.* 389, fol. 50, 48; *Council Register*, April 2.

than himself to the Bohemian crown. Witnesses were called to prove the truth of the story. Floyd denied that he had ever said anything of the kind. The next day, May 1. though additional witnesses corroborated the statements previously made, Floyd persisted in his denial.

Then followed a scene, the like of which has seldom been exhibited in an English Parliament. Phelips proposed that Floyd should ride with his face to the horse's tail from Westminster to the Tower, bearing on his hat a paper with the inscription, "A popish wretch, that hath maliciously scandalized his Majesty's children," and that he should then be lodged in the horrible dungeon appropriately known as Little Ease, 'with as much pain as he shall be able to endure without loss or danger of his life.' Terrible as Phelips's suggestion was, it was not harsh enough for his hearers. All consideration for the rights of free speech, all thought of proportioning the punishment to the offence, was lost in the whirpool of passion. A few words by Roe and Digges, not on behalf of Floyd, but on behalf of the Lords of the Council, who might resent any attempt to meddle with their prisoner, were followed by an immediate explosion. "If we have no precedent," said Sir George More, "let us make one. Let Floyd be whipped to the place from whence he came, and then let him be left to the Lords." "Let his beads be hung about his neck," cried Sir Francis Seymour, "and let him have as many lashes as he has beads." Sir Edward Giles hoped that he might be pilloried at Westminster, and whipped. Sir Francis Darcy was not content unless he might be twice pilloried, and twice whipped. Each member, as he shouted out his opinion, was more savage than the last. Let a hole be burnt in his tongue. Let his tongue be cut out. Let him be branded on the forehead. Let his nose and ears be lopped off. Let him be compelled to swallow his beads. Another member, with cruel irony, added that he had wished to recommend the heaviest possible punishment, but that, 'as he perceived that the House was inclined to mercy, he would have him whipped more than twice as far as those who offended against the ambassador.' At this stage John Finch, the future Lord Keeper of Charles I.,

Exasperation of the Commons.

attempted to interpose. The House, he said, had no sworn evidence upon which to act. This reasonable suggestion was scouted by Walter, whose conduct on this day is the strongest evidence of the criminal follies into which even an honourable man may fall, in times when the principles upon which freedom and morality rest have not yet been engraved upon the public mind. "Let Floyd's lands and goods," he said, "be given to raise a force to recover the Palatinate. Let him be whipped for laughing at the loss of Prague, thereby to make him shed tears." Alone amongst the popular party, Sandys, the veteran champion of liberty, showed some glimmerings of sense. The real cause of Floyd's offence, he observed, was the difference in religion. If in his punishment his religion were touched, he would be looked upon as a martyr. Nor was it proper to whip a gentleman. Though this was not much to say, it had its effect. All thought of branding and whipping was relinquished; yet the poor old man, who had committed no real crime, was sentenced by the House to be pilloried three times, to ride from station to station on a bare-backed horse with his face to the tail, and a paper on his hat explaining the nature of his offence. Lastly, he was to pay a fine of 1,000*l.*[1]

Sentence upon Floyd.

When the members came down to take their places for the next morning's sitting, it was with the full expectation that they would be able to feast their eyes upon the sufferings of Floyd as they passed through Palace Yard. Nothing of the kind however was to be seen. They were told by the Chancellor of the Exchequer that the King had commanded him to thank them for their care of his honour, and then to ask them two questions. Could they show that they had authority to inflict punishment upon anyone who, not being one of themselves, had neither offended against their House nor against any of its members? And if they could satisfy him on this point, would they inform him how they could condemn a man who denied his fault, without being able to take evidence on oath against him? A record was

May 2. Objections of the King.

[1] *Commons' Journals*, i. 601; *Proceedings and Debates*, i. 370.

then handed in, from which it appeared that in the reign of Henry IV. the Commons had acknowledged that they had nothing to do with sentencing offenders.

Hesitation of the Commons.

Now that the excitement had passed off, there were few whose opinion was of any value who did not recognise that the assertions implied in the King's questions were unanswerable. It was certain that over Floyd the Commons had no jurisdiction whatever. In fact, earlier in the session they had, in dealing with Mompesson, expressly renounced the right which they had now intemperately assumed. Noy, whose authority stood high on such questions, after denying the supposed right of the House, moved for a committee to search for precedents. Even this was more than Hakewill was willing to concede. It would, he said, be entirely useless. He had himself searched diligently for such precedents, and he was certain that none were to be found. Coke, who had been absent the day before, and who knew perfectly well what the law was, now interfered. He had no wish to bolster up an indefensible position, but he feared lest, in its recoil from a position which had been found untenable, the House might surrender claims which were fairly its own. The literal sense of the record presented to them would, he showed, debar them from scrutinising even the conduct of their own members. But they were not bound to acknowledge its force. It was no Act of Parliament. "Let his tongue cleave to the roof of his mouth," he ended by saying, in his magisterial way, "who says that this House is no Court of Record. Though we have not the power of judicature in all things, yet we have it in some things." [1]

May 3. Negotiations with the King and the Lords.

The only question which remained was, how to recede with dignity. It was finally decided that the King should be asked to put the sentence in force by his own authority, but that he should be told at the same time that the Commons did not consider themselves bound by the record which he had produced. Such a solution could not be satisfactory to anyone. In requesting the King to confer by his mere prerogative validity upon an invalid sen-

[1] *Commons' Journals*, i. 603; *Proceedings and Debates*, ii. 5, 13.

tence, the Commons were asking him to put forth powers which in another cause they would have been the first to dispute. After some further negotiation, James signified his intention of leaving the matter in the hands of the Lords.

Accordingly the Lords, as a preliminary to their investigation of the matter, proceeded to clear up the question of jurisdiction. At a conference held on May 5, Coke had much to say on the right of the Commons to punish offences which affected their own House, but had nothing better to say about Floyd's case than that the words against the Electress 'were spoken against the members of the House of Commons; for a daughter is part of her father, and the King is ever intended to be resident in that House.' The result of the discussion was the acceptance by both sides of a declaration, which, under cover of leaving the law precisely as it stood before Floyd's name was mentioned, virtually gave the victory to the Lords.[1]

May 5.

May 16. The Commons give way.

As far as the poor wretch who was the unwilling subject of the dispute was concerned, it would have been better if he had been left to the tender mercies of the Commons. The Lords, probably to show that they had no kindly feeling towards Papists, raised his fine from 1,000*l.* to 5,000*l.*, declared him an infamous person, whose testimony was never to be received in any court of justice, ordered him to be imprisoned for life, and to be whipped at the cart's tail from London Bridge to Westminster Hall.[2] It was no merit of the Peers that the whipping was remitted by the King, at the instance of the Prince of Wales.

May 26. Floyd sentenced by the Lords.

Strangely enough this abominable sentence was, at least according to the doctrine which has been ultimately adopted, as unconstitutional as that which had been pronounced by the Commons. The Lower House did not think it consistent with its dignity to prefer a definite charge against Floyd at the bar of the House of Lords, and, ever since that evil day on which, surrounded

Doctrine finally adopted on the jurisdiction of the Lords.

[1] *Commons' Journals*, i. 604, 608; *Lords' Journals*, iii. 119, 124; *Proceedings and Debates*, ii. 15, 19, 29.

[2] *Lords' Journals*, iii. 134.

by a band of armed satellites, a misguided Sovereign attempted to drag the leaders of the Long Parliament to a trial before the Peers, it has passed into a political axiom that, except in matters in which their own members are concerned, the Lords can only exercise criminal jurisdiction upon the presentment of the House of Commons.[1]

This doctrine, indeed, may be supported by arguments far stronger than those which the lawyers of the seventeenth century derived from the analogy between the functions of the House of Commons and the functions of a grand jury; for, by requiring the co-operation of two independent bodies, it went far to lessen the chances of hasty and passionate injustice. However the evil of entrusting judicial functions to a political body might be mitigated, it was none the less distinctly an evil, only to be tolerated because at the beginning of the seventeenth century the remedy would have been worse than the disease. Advisable as it might be that political prosecutions should be conducted before judges and not before the House of Lords, there were no judges in existence to whom the duty of conducting such trials could safely be entrusted. Revocable at the pleasure of the Crown and, since the overthrow of Coke, having the prospect of dismissal ever dangling before their eyes, the majority of the judges could not, as long as human nature is what it is, be impartial in such matters. If it was a bad thing that a court should be guided, like the House of Lords, by its political sympathies, it would have been far worse to trust questions of high political importance to a court warped by self-interest like the King's Bench or the Common Pleas. Nor were there wanting other reasons to justify, at least for the time, the renewed claim of Parliament to exercise jurisdiction over state offences. The time had come when the nation was beginning to watch with a jealous eye the conduct of the high officers of state. The time had not yet come when a vote of its representatives would be sufficient to remove them from office. It was only by the fear of a criminal charge that they could be in any way controlled, and no tribunal of less authority than Parliament could deal with

[1] Hale's *Jurisdiction of the Lords*, 95. See, for Floyd's case, Hargrave's preface to this work, xvi.

them at all. It was by giving us at once a body of independent judges, and a House of Commons which was strong enough to control the Executive Government, that the Revolution of 1688 introduced a new state of feeling, which before long virtually put an end to parliamentary impeachments.[1]

The Lords had still two cases to dispose of. With the Bishop of Llandaff they dealt mercifully. It was proved that he had taken from Edward Egerton a recognisance for 6,000*l.* upon a promise to do his best to procure for him the good-will of the Chancellor. But the money had never been paid, and no service had been rendered in return. Such arguments would have availed Floyd but little. A member of the House of Lords was not likely to appeal to the Peers in vain. They contented themselves with handing over the offender to the Archbishop of Canterbury, who promised to admonish him publicly in convocation. He did not, however, take the admonition seriously to heart, for the first thing that he did after the Houses ceased to sit was to implore Buckingham to promote him to a better bishopric.[2]

May 30. Cases of Bishop Field

Sir John Bennett was still to be kept in suspense. Time would not allow a complete investigation of his case, and he was released on bail, with orders to prepare a reply to the depositions against him.[3]

May 31. and of Sir J. Bennett.

Whilst the Lords had been mainly occupied with judicial business, the other House had not been idle. Patents for the sole engrossing of wills, for the levying of lighthouse tolls, for the importation of salmon and lobsters, for the making of gold-leaf, and for the manufacture of glass were voted to be grievances. A monopoly bill had been passed by which the decision of the question, whether the protected manufacture was a new invention or not, would from henceforth be left to the ordinary tribunals. There had been long and anxious debates upon the alleged decline of

May. Several patents condemned by the Commons.

[1] The case of Warren Hastings was an exception, as a question of Indian, not of English government.

[2] Field to Buckingham, June (?), *Harl. MSS.* 7,000, fol. 57.

[3] *Lords' Journals*, iii. 143, 148.

trade, which seems to have been suffering temporarily from the effects of the war in Germany ; and many rash and unwise restrictions were proposed in a vain hope that, with their aid, commerce might be restored to a flourishing condition. There had been an attempt also to set on foot an inquiry into the state of Ireland, which had been promptly checked by the King, who held that this was a subject with which he was himself perfectly competent to deal.

On May 28, however, in the very midst of their toils, the Commons were startled by a royal message directing them to bring their labours to an end within a week. The gentry, they were told, were wanted in their own neighbourhoods ; the lawyers were wanted in Westminster Hall. Yet the House need not fear that their time had been wasted. There should be no prorogation to compel them to recommence their work at their next meeting. There would be a simple adjournment, and they would thus be able to resume their business at the stage at which they had left it.

May 28. The King directs an adjournment.

The House was taken by surprise. There could be little doubt that more was intended than had been said. It may be either that James was nettled at the contemptuous silence with which his demand for a fresh subsidy had been met, and at the pretensions of the Commons in their claim to jurisdiction over Floyd, or that he wished to hinder any renewed legislation upon recusancy. Rumour, too, was busy in bringing to his ear news of the proceedings of the opposition party in the Upper House. Their ill-will against Buckingham, it was told, had not relaxed, and suspicious meetings had been held at Southampton's house in Holborn, to which members of the House of Commons had been invited. It was even said that a scheme had been concocted for diverting future subsidies from the Exchequer, by sending them over directly to the fugitive King of Bohemia.[1]

[1] Compare the examinations in the Appendix to *Proceedings and Debates*, with a letter by Ashley to Buckingham, May 12, *Cabala*, 2. How anyone, in the face of this letter, can maintain that Buckingham had taken part, except from timidity, in the overthrow of Bacon, I am unable to understand.

In vain the Commons appealed to the Peers to aid them in obtaining a change in the King's intentions. All that James allowed the Lords to say was, that if the Lower House wished to get ready a few bills by the end of the week the King would give his assent to them, an act which, according to the notions of the day, would bring the session to a close, thus involving a prorogation instead of an adjournment.

May 29. Proposal of prorogation.

Such an offer, in truth, was entirely illusory. There was not time to give a thorough discussion to the bills upon which the Commons had set their hearts. The statement made by the Lords was received with open discontent. Tongues were loosed which had for four months been placed under strict restraint. "The country," said Sandys, "is in a dangerous state. Our religion is rooted out of Bohemia and Germany. It will soon be rooted out of France. Sandys then moved that nothing more should be done that day. Their hearts, he said, were full of grief and fear. Perhaps time might temper their passions. After this Cranfield tried to speak, but the House refused to listen to him, and Sandys's motion was adopted.

Dissatisfaction of the Commons.

Reflection in this case did not bring a change of mood. The next morning Phelips painted in mournful colours the evil estate of religion abroad and at home, and urged that one more appeal should be made to the House of Lords. The Lords listened, but could give no hope whatever of inducing the King to prolong their sittings. They would do what they could. They would agree to the passing of an Act declaring that, in this case at least, the royal assent to a few selected bills should not prevent the resumption of business, when they next met, at the stage at which it had been left. But the Commons would not hear of such a compromise. To an offer made by James to close the session after prolonging their sittings for a week or ten days, they were equally deaf. There was no time, they thought, left to do anything worthy of the name of a session. They would prefer the adjournment originally proposed.[1]

May 30.

[1] *Proceedings and Debates*, ii. 118 159; *Lords' Journals*, iii. 140, 148, 153.

Yet the last advances of James towards the Commons had not been wholly thrown away. Their temper had been ruffled, but only for a moment. They resolved to return thanks to the King for his offer of an additional week.[1] At their last sitting they listened with evident satisfaction to Cranfield's assurances that the burdens under which trade was suffering should have the immediate attention of the Government.

June 4. The last sitting.

There were those, however, present who felt that this was not a fitting conclusion to the labours of the House. In the stormy discussions of the past week words had again been heard on that subject which the vast majority of the members had most deeply at heart, but they had not been always spoken wisely. For three months the House had disciplined itself into silence, by its earnest determination to act if possible in unison with the King. Carried away by the feelings of the moment, Sandys and Phelips had let fall expressions by which Gondomar might be led to imagine that England would no longer present a united front to the enemy. A few moments only now remained to wipe away such a conception. Accordingly, whilst there was yet time, Sir John Perrot rose, in the midst of a discussion upon the mode of levying customs at the ports. It was Perrot who, at the commencement of the session, had moved that the Commons should partake of the Communion together as 'a means of reconciliation,' and as 'a touchstone to try their faith.'[2] In a similar spirit he now addressed them. The House he said, had shown itself careful of the ports; but there was something still more necessary, namely, to provide for that port which would be the surest resting-place, and which would procure for them a perpetual rest when the merchandise, trade, and traffic of this life would have an end. True religion must be maintained. Abroad it was in sad case. At home it was in danger. At the beginning of the Parliament the King had declared that if the Palatinate could not be recovered by treaty, he would adventure his blood and life in its cause. Let them therefore, before they separated, make a public declaration that,

Perrot's motion.

[1] *Proceedings and Debates*, ii. 161.

[2] *Commons' Journals*, i. 508.

if the treaty failed, they would upon their return be ready to adventure their lives and estates for the maintenance of the cause of God and of his Majesty's royal issue.

When Perrot sat down it was evident that he had touched the right chord in the hearts of his hearers. "This declaration," said Cecil, "comes from Heaven. It will do more for us than if we had ten thousand soldiers on the march." The motion was put and assented to amidst universal acclamation. "It was entertained," says one who took part in the scene,[1] "with much joy and a general consent of the whole House, and sounded forth with the voices of them all, withal lifting up their hats in their hands as high as they could hold them, as a visible testimony of their unanimous consent, in such sort that the like had scarce ever been seen in Parliament."[2]

It is received with acclamation.

A committee was at once appointed to prepare the declaration. In a few minutes its work was done. "The Commons assembled in Parliament," so ran the manifesto, "taking into consideration the present estate of the King's children abroad, and the general afflicted estate of the true professors of the same Christian religion professed by the Church of England and other foreign parts; and being troubled with a true sense and fellow-feeling of their distresses as members of the same body, do, with one unanimous consent of themselves and of the whole body of the kingdom whom they do represent, declare unto the whole world their hearty grief and sorrow for the same; and do not only join with them in their humble and devout prayers to Almighty God to protect his true Church, and to avert the dangers now threatened, but also with one heart and voice do solemnly protest that, if his Majesty's pious endeavours by treaty to procure their peace and safety shall not take that good effect he desireth, in the treaty whereof they humbly beseech his Majesty to make no long delay;—that then, upon the signification of his pleasure in Parliament, they shall be ready, to the uttermost of their powers, both with their lives and fortunes, to assist him; so

The Commons' declaration.

[1] Edward Nicholas.

[2] *Proceedings and Debates*, ii. 170.

as, by the Divine help of Almighty God, who is never wanting unto those who, in His fear, shall undertake the defence of His own cause, he may be able to do that by his sword which by peaceable courses shall not be effected."

Again, when the declaration had been read, the hats were waved high in the air. Again the shouts of acclamation rang out cheerily. Perrot had been just in time. The messengers from the Lords were at the door to notify the King's order to adjourn to November 14. The Commons answered that, according to custom, they would adjourn themselves. Before the motion was put, Coke stood up, and with tears in his eyes, repeated the prayer for the Royal Family, adding, as he finished it, "and defend them from their cruel enemies."

Adjournment of the House.

For a time the work of the House of Commons was at an end. Complaints had been heard that the long months of labour had produced nothing with which the constituencies could be reasonably satisfied. With the exception of the Act by which the subsidies had been granted, not a single Bill had been passed. So far as legislation was concerned, monopolists were as safe as ever. The claims of the prerogative were as undefined as at the commencement of the session. Yet the Houses had not sat in vain. They had rescued from oblivion the right of impeachment, and had taught a crowd of hungry and unscrupulous adventurers that Court favour would not always suffice to screen them. They had made judicial corruption almost impossible for the future. Yet the highest of their achievements had not been of a nature to be quoted as a precedent, or to be noted down amongst the catalogue of constitutional changes. Far more truly than any member of that House dreamed, a crisis had come in which Protestantism was to be tried in the balance. There was a danger greater than any which was to be dreaded from the armies of Spinola or the policy of Maximilian,—a danger lest moral superiority should pass over to the champions of the reactionary faith. And it was at such a crisis that the English House of Commons placed itself in the foremost ranks of those who were helping on the progress

Review of the first part of the session.

of the world. Cecil spoke truly when he said that their declaration would do more good than if ten thousand soldiers had been on the march. It showed that James and Frederick and John George were not the utmost that Protestantism could produce ; that it had given birth to men who might be ignorant of much, but who were steeled with the armour of self-denial and self-restraint, and who were willing to sacrifice themselves for the common cause. It was of no political advantage to England that they were dreaming. They formed no schemes of national aggrandisement like Richelieu, they cherished no personal ambition like Gustavus. They thought of the poor inhabitants of the Palatinate, of the Bohemian churches empty or profaned, of the silenced voices of the ministers of the Gospel ; and, though they never more than half-trusted James, they had the penetration to recognise the fact that it was only under James's leadership that they could help in averting the catastrophe. Therefore, they disciplined themselves into silence, and restrained their zeal, lest by a moment's ill-considered speech, they should alienate the man who alone was in a position to give effect to their wishes. They had done more than gain a victory. They had ruled their own spirits.

James accepts the declaration.

When James first heard that a declaration on the affairs of the Palatinate had been voted, he was much displeased ; but as soon as he read it, his opinion changed. He ordered it to be translated into the chief languages of Europe, in order that foreign nations might learn to respect the loyalty of the English people.[1]

Bacon's imprisonment and release.

James was, no doubt, glad enough to regain his independence of action. No candid person will complain of his determination to moderate the harshness of Bacon's sentence. He probably thought, as everyone else thought, that his late Chancellor was far more guilty than he really was ; but the memory of old friendship and of years of devoted service indisposed him to harshness. For some days after the sentence was pronounced, Bacon was allowed to remain unmolested at York House, out of consideration for his

[1] Chamberlain to Carleton, June 9, *S. P. Dom.* cxxi. 88.

health.[1] But before the Parliament broke up, he was conducted to the Tower.[2] It was never, however, intended that he should remain long a prisoner. A warrant for his release was sent to him, with an intimation that he would do well not to use it till after the Houses had risen. So great, however, was his impatience that he could not wait, and came away at once, before the last sitting had taken place. Sir John Vaughan's house at Parson's Green was assigned him as a temporary residence. As, however, the place was within twelve miles of the Court, he could not be permitted to remain there long. A little breathing-time was granted him to settle his affairs; but on June 22, he was obliged, much against his will, to betake himself to Gorhambury.

June 2.

June 22.

Any other man would have been crushed by the blow by which Bacon had been surprised, and would have resigned himself, at least for a time, to lethargy. Bacon only saw in his exclusion from political life an additional reason for throwing himself heart and soul into other work. In less than five months after his liberation he had completed that noble history of the reign of Henry VII. which stands confessedly amongst the choicest first-fruits of the long harvest of English historical literature.[3]

His *History of Henry VII.*

Two days before Bacon's removal to Gorhambury, the sentence of the House of Lords upon an offender of a very different kind was carried out. Sir Francis Michell was in due form degraded from knighthood. The spurs were hacked from his heels, the sword was broken over his head, and the heralds proclaimed to the applauding bystanders, that from henceforth he would be known as "Francis Michell, Knave." He was conducted back, amidst the hoot-

Degradation of Michell.

[1] On May 12 Southampton reminded the Lords that Bacon had not yet been sent to the Tower, and 'hoped that the world may not think our sentence is in vain;' Buckingham replied that 'the King hath respited his going to the Tower in this time of his great sickness.'—Elsing's *Notes*, 79.

[2] Chamberlain to Carleton, June 2, *S. P. Dom.* cxxi. 69.

[3] Chamberlain to Carleton, June 9, *ibid.* cxxi. 88. Bacon to Buckingham, May 31, June 5, 22, *Letters and Life*, vii. 280, 282, 292. Bacon to the Prince of Wales, June 7, *ibid.* vii. 287.

ings of the mob, to Finsbury Gaol, from which, about a fortnight later, he was contemptuously set at liberty.[1] Not long afterwards, Mompesson's fine was granted to trustees, for the use of his wife and child.[2]

Against this lenity to men for whose faults the Government was more than half responsible, there would have been little to be said, if it had not been sharply contrasted with harshness exercised in another direction. James had been deeply annoyed at the consultations which had been held between Southampton and certain members of the Lower House, with the object, it was said, of opening direct negotiations with Frederick and Elizabeth. On June 16, Southampton, as he rose from the council-board, was ordered into confinement. On the same day, Sandys and Selden were arrested, the latter, though not a member of Parliament, having, it is said, given offence by an opinion delivered in support of the jurisdiction of the Commons over Floyd.

June 16. Arrest of Southampton, Sandys, and Selden.

Anything more impolitic it is impossible to conceive. At once a belief in the unreality of the apparent concord between the Crown and the Lower House began to spread. A story was eagerly repeated that, when the searchers applied to Lady Sandys for Sir Edwin's keys, she had answered that she wished his Majesty had a key to her husband's heart, as he would then see that there was nothing there but loyalty. It was to no purpose that the world was carefully informed that the prisoners were not called in question for anything done in Parliament. Men shrugged their shoulders incredulously. The wildest rumours flew about. Coke, it was said, had been sent for. The Archbishop of Canterbury and the Bishop of Lichfield had been imprisoned. It was not long before another nobleman shared in reality Southampton's fate. A year before, the Earl of Oxford had surprised all who knew him by leaving those dissipations in which his

July 13. Imprisonment of Oxford.

[1] Chamberlain to Carleton, June 23, *S. P. Dom.* cxxi. 120. Meddus to Mead, June 22, *Harl. MSS.* 389, fol. 96. Michell's petition, June 30, *S. P. Dom.* cxxi. 135.

[2] Grant to St. John and Hungerford, July 7, *Sign Manuals*, xii. 71.

youth had been passed, for the sake of hard service under Vere in the Palatinate. But he did not remain long upon the Continent. In company with the more demure Essex, he hurried back, as soon as the summer was over, to take his place in the House of Lords, and he now thought himself justified by the very moderate amount of hardship which he had undergone, in grumbling about the thankless reception which had been accorded to his services. One day he inveighed over his wine against Popery and the Spanish match, and his words being reported to the King, he was placed under arrest.[1] James was sufficiently vexed to issue a fresh proclamation 'against excess of lavish and licentious speech of matters of state.'[2]

Williams, Lord Keeper

Fortunately for James there was one amongst those to whom he willingly listened, who was able to warn him against the conseqences of such blunders as these. Since he had warded off a breach with the Commons, Williams had found the King's ear open to him on all occasions. His first thought had been to claim his own reward. The see of London was vacant, and he lost no time in asking for it.[3] Before his pretensions could be satisfied, a still more brilliant prospect opened itself before him. It was necessary to provide a successor to Bacon. Ley and Hobart had been pointed out by rumour as competitors for the office, but it was soon understood that the King's choice would rest upon Cranfield. Before, however, the selection had finally been made, it happened that Williams, who had learned many secrets as Ellesmere's chaplain, was consulted on a point of detail relating to the profits of the place, and that James was so struck with the ability of his reply, and with his thorough knowledge of the subject, that he at once declared that he would entrust the Great Seal to no one else.[4]

[1] Examinations. App. to *Proceedings and Debates*. Meddus to Mead, June 22. Mead to Stuteville, June 23, *Harl. MSS.* 389, fol. 96, 98. Chamberlain to Carleton, June 23, July 14, *S. P. Dom.* cxxi. 121; cxxii. 23.

[2] Proclamation, July 26, *S. P. Dom.* clxxxvii. 95.

[3] Williams to Buckingham, April (?), *Cabala*, 374.

[4] Hacket's *Life of Williams*, 52.

It is true that Williams was a clergyman only in name, and that he was not likely to be tainted with those faults by which so many ecclesiastical politicians have been ruined. Yet any sovereign who in our days should be guilty of such a choice, would justly be regarded as insane. For the last two centuries the equity administered in the Court of Chancery has been growing up into a body of scientific jurisprudence, which can only be grasped by those who have received a special legal training. It was far otherwise at the commencement of the seventeenth century. It was the business of Chancery to supply a correction to the highly artificial rules of the Common Law, and until the time came for the growth of a better and more coherent system, it was sufficient that the Chancellor should be possessed of a mind large enough to grasp the general principles of justice, and quick enough to apply those principles to the case before him. He would bear, in fact, very much the same relation to the other judges which is in our day borne by a Secretary of State to the permanent officials of his department. Such a man, when he is first appointed, knows less of the details of business than his subordinates; but he brings to its transaction a mind less trammelled by routine, and therefore more open to the admission of new and enlarged conceptions.

As might have been expected, many objections were raised against the King's choice. "I had thought," said Bacon, with a sneer, "that I should have known my successor." Yet it does not appear that anyone complained of Williams's ignorance of law. Some said that he was too young; and that it was unfair to others 'that so mean a man as a dean should so suddenly leap over their heads.' To remedy the last complaint as far as it was possible, James announced his intention to translate Bishop Montaigne to the see of London, and to give to Williams the bishopric of Lincoln, which would be vacated by Montaigne. The Great Seal should not be placed in his hands till after the *congé d'élire* had been issued.[1]

and Bishop of Lincoln.

On July 16, the new Bishop received the seal by the title

[1] Chamberlain to Carleton, June 23, *S. P. Dom.* cxxi. 121.

of Lord Keeper. He had far too much tact not to be anxious that his promotion should be as unostentatious as possible. At his own request it was given out that he was appointed on probation, and that some of the common-law judges would take their seats with him on the bench as his assistants.[1]

Williams's next step was to apply himself diligently to the study of law. Every day he shut himself up for hours with Serjeant Finch, in the hope of making himself fit for the duties of his office before Michaelmas term began.

In addition to the bishopric of Lincoln, he was allowed to retain *in commendam* the deanery of Westminster and his other ecclesiastical appointments. It was to them that he must look for the means to maintain the state of his office. The legitimate income of his post did not exceed 3,000*l.* a-year, and he would not be allowed to eke out this revenue from those questionable sources which had supplied his predecessor. There must be no more taking of gratuities under any pretence whatever. "All my lawyers," said James, with pardonable exaggeration, "are so bred and nursed in corruption that they cannot leave it."[2] Williams was the very man to effect the necessary change. If his ideal of purity was lower than Bacon's, in practical shrewdness he was far his superior. He was never for a moment in doubt of that of which Bacon was certain to be ignorant,—the precise light in which any action was likely to be regarded by ordinary men, and he shunned everything approaching to corruption like the plague.

How far was he fit for his post?

As an adviser in domestic affairs Williams was likely to prove useful to the King. At a time when united action between James and his people seemed once again to be possible, it was of no light moment that he should have some one at his ear who was not overburthened with plans and conceptions of his own, but who was quick to detect the changes of popular feeling, and who looked rather at what was practicable than at what was theoretically in agreement with a certain set

[1] Williams to Buckingham, July 27, *Cabala*, 260.

[2] Chamberlain to Carleton, June 23, *S. P. Dom.* cxxi. 121.

of maxims. Williams was now the first to discern the impolicy of imprisoning such men as Sandys and Southampton. He lost no time in whispering his apprehensions into Buckingham's ear, and he did not whisper in vain. Nothing tickled the favourite's vanity so delicately as the display of a public forgiveness of his enemies. On the morning of July 16, he hurried up from Theobalds, and visited all who for one reason or another were supposed to lie under his mortal displeasure. Within a few days the prison doors were flying open on every side. Southampton, Oxford, Sandys, Selden, Yelverton, and Floyd regained their liberty. Nor was the boon confined to those whose offences were still recent. Northumberland, after fifteen years' detention, was allowed once more to breathe the fresh air amongst the woods of Petworth. Naunton, too, was released from the confinement in which he had remained ever since the rash words which he had spoken in January; and even Captain North, whose voyage to the Amazon had given such offence to Gondomar recovered his liberty at the same time.[1]

General liberation of prisoners.

On another point Williams's remonstrances were less successful. Arundel's services in the House of Lords could hardly be forgotten. Amongst the old nobility he alone had taken up Buckingham's cause with warmth. On July 15 the Earl Marshal's staff was placed in his hands. It was not long before two patents, one confirming him in his office, the other assigning him a pension of 2,000*l.* a-year, were brought to Williams to be sealed. To the latter, remembering the penury of the Exchequer, the Lord Keeper gave an unwilling assent. To the former he entertained the strongest possible objection. By the wording of the patent powers over all cases in which rank and honour were concerned were conveyed, as it would seem, with studied vagueness; and of all men living, Arundel, with his passionate haughtiness, was the least fit to be trusted with authority of such a nature. Williams, however, uttered his remonstrances in vain, and Arundel was formally authorised to

Arundel Earl Marshal.

[1] Chamberlain to Carleton, July 21, Aug. 4, *S. P. Dom.* cxxii. 31, 60.

repeat before meaner audiences those outbursts of insolence which even in the presence of his peers he had not been able to restrain.[1]

About this time accident brought Williams in contact with a man who was hereafter to prove his bitter enemy. Little had been heard of Laud since his injudicious proceedings at Gloucester. He had accompanied the King to Scotland, and is said to have given offence by the pertinacity with which he urged James to reduce the Church of Scotland to a complete conformity with her English sister. It is, however, not improbable that this story was invented at a later date. But whatever the truth may have been, if there was any estrangement between the Dean of Gloucester and the King, it quickly passed away. On June 3, the day before the adjournment of Parliament, James was heard speaking graciously to him. "I have given you," he said, "nothing but Gloucester. I know well that it is a shell without a kernel." At Court it was understood that he was to succeed Williams in the deanery of Westminster. According to a story which afterwards found credence, Williams, bringing Buckingham to his aid, entreated earnestly that Laud might have the bishopric of St. David's instead. It has, with great probability, been suspected[2] that Williams was actuated by the simple desire to keep the deanery for himself. At all events, his recommendation of Laud is said to have met with an unexpected obstacle in James, who objected to the harsh and impracticable nature of the man. At length the King yielded to the pressure put upon him. "Take him to you," he said, "but on my soul you will repent it." If the whole story is anything more than a pure invention, it may be that James, though he saw Laud's fitness for presiding over the public services of such a church as Westminster, and appreciated to the full his learning, his devotion to the throne, and his hatred of Puritanism, was yet well aware that he was

Laud made Bishop of St. David's.

[1] Williams to Buckingham, Sept. 1, *Cabala*, 261. Grant of Office, Aug. 29. Grant of Pension, Aug. 30. Patent Rolls, 19 Jac. I. Parts 13 and 1. Locke to Carleton, Sept. 22, Sept. 29, *S. P. Dom.* cxxii. 140, 152.

[2] By Dr. Bliss, in his notes to Laud's *Diary*.

singularly unfitted by nature for an office which, like that of a bishop, demanded no ordinary temper and discretion.[1]

Before the new Bishops were consecrated, an accident occurred which caused for some time a postponement of the ceremony. It happened that the Archbishop had gone down to Lord Zouch's estate at Bramshill, to consecrate a chapel. In the morning he was taken out to amuse himself by shooting with a bow at the deer. Unfortunately, the deer at which he was aiming leapt up, and the arrow, missing its mark, struck a keeper who was passing along a sunken path out of the Archbishop's sight. In half an hour the man was dead.

July 24. Abbot's accidental homicide.

Not a shadow of blame was to be imputed to Abbot. "No one but a fool or a knave," said James, as soon as he heard of the accident, "would think the worse of him. It might be any man's case."[2] The manner in which Williams received the news was no less characteristic of the man. About the moral nature of the action he did not trouble himself for a moment. But he thought much of what people would say about it. By the common law, he told Buckingham, the Archbishop had forfeited his estate to the Crown. By the canon law he had committed an irregularity, and was suspended from all ecclesiastical functions. It was difficult to say what was to be done. If the King were harsh, the Papists were certain to find fault. If the King were lenient, the Papists would find fault with that, too.[3] Williams, at all events, took care that no stain of irregularity should rest upon himself. He would not, he said, be consecrated by a man whose hands were dipped in blood;[4] and his objection was shared by Laud, who bore no good-will to the Archbishop.[5]

[1] *Hacket*, 63. Some of the particulars of the story are in direct contradiction with Laud's *Diary* (*Works*, iii. 136); and Hacket, even when uncontradicted, is seldom to be fully trusted. But James's part in the conversation is characteristic, and the story, as I have given it above, may perhaps be hypothetically admitted.

[2] Lord Zouch to Sir Edward Zouch, July 24. Digges to Carleton, July 28, *S. P. Dom.* cxxii. 37, 47.

[3] Williams to Buckingham, July 27, *Cabala*, 260.

[4] Mead to Stuteville, Sept. 19, *Harl. MSS.* 389, fol. 118.

[5] Chesterman to Conway, Aug. 28, *S. P. Dom.* cxxii. 94.

The scruples of the two deans were respected, and Abbot was not allowed to take part in their consecration. The Archbishop's case was referred to a royal commission, and by its recommendation a special release from all irregularity was issued under the Great Seal.[1]

Pardon of the Archbishop.

Whilst Williams was thus engaged, upon the whole, in assuaging enmities and in counselling moderation, Cranfield was rising no less rapidly into favour. It is not likely that he felt any great disappointment at the preference which had been shown to Williams. No one knew better than himself that the Court of Chancery was not the sphere in which he was best qualified to shine. It was as a financier that he had risen, and it was as a financier that he must retain his grasp upon power.

July 9. Cranfield raised to the peerage.

James took care to let him feel that it was not from ill-will that he had passed him by. On the day before the Great Seal was placed in the hands of Williams, the man who, not many years before, had been a mere city apprentice, was enrolled, by the title of Baron Cranfield, among the peers of England. It was not the first time that men of comparatively humble origin had won their way to that high place by sheer force of ability. But Cranfield was the first whose elevation can in any way be connected with success in obtaining the confidence of the House of Commons. In the earlier part of the session, he had placed himself at the head of the movement against the patents, and he had lost no opportunity of bringing the policy of the Crown into unison with that of the Lower House. In the last stormy debates before the adjournment he had done more than anyone to allay the existing irritation, by the readiness with which he assured the House that all their wishes with regard to trade would be carried out by the Government during the recess.

Accordingly, on July 10, the long deliberations of the Council were followed by a proclamation which swept away at a blow no less than eighteen monoplies and grants of a similar nature. A list of seventeen was added, against which anyone who felt aggrieved was at liberty to appeal to a court of law. Other popular declarations

July 10. Proclamation against monopolies.

[1] *Hacket*, 68.

followed. Informers were no longer to be tolerated. Excessive fees were not to be taken in the Courts. Certain restrictions placed upon trade by the merchant adventurers were to be abolished. On the other hand, the exportation of wool was to be prohibited, and that of the noted iron ordnance of England was to be fenced about with additional precautions. As far as trade and manufactures were concerned, James was content to walk in the track which had been marked out by Parliament

## CHAPTER XXXVI.

### THE VOYAGE OF THE 'MAYFLOWER.

It would have seemed strange to any of those who had taken part in the stirring events of this session, and whose heads were full of questions about the Palatinate, or Parliamentary privilege, to be told that there was not one of these points from which the Englishman of future times would not readily turn aside in order to contemplate the fortunes of a little band of exiles who had lately made their way, unknown and unheeded, across the stormy waves of the Atlantic.

It was religious zeal which had driven them from their native land. Though, in many respects, their doctrines were those of the stricter English Puritans, in one point they were peculiarly their own. Whilst the Puritan was anxious to reform, as far as possible, the existing Church, these men had made up their minds to break away from it altogether. Within its pale, they declared, was an unholy alliance between good and evil, which was utterly abhorrent to their minds. Their doctrine, indeed, was only a natural reaction against the systems of Whitgift and Bancroft. In every age there are found men who are discontented with the ordinary religious standard of the day, and who demand a society of their own, in which they may interchange their ideas and aspirations. To such the Mediæval Church offered the asylum of the cloister, or the active service of the mendicant orders. In the England of the nineteenth century, they would be at liberty to enter into any combination amongst themselves which the most un-

The early Separatists.

restrained fancy could dictate. Religious societies and religious sects would welcome their co-operation. But, in the first century of the Reformed Church of England, nothing of the kind was possible. The parish church, and nothing but the parish church, was open to all. There the Puritan, who mourned over the dulness or the entire absence of the sermon, and to whom the Book of Common Prayer was not long enough or flexible enough to give expression to the emotions with which his heart was bursting, was seated side by side with men who thought that the shortest service was already too long, and who were only driven to take part in it at all by the ever-present fear of a conviction for recusancy. If this had been all,—if, after having paid due obedience to the law, the Puritan had been left to himself,—if he had been permitted to meet with his fellows for prayer in the afternoon as freely as other men were permitted to dance on the green, or to shoot at the butts, he might perhaps have been, to some extent, satisfied with the arrangements provided for him. In his private intercourse with neighbours like-minded with himself he would have found that of which he was in search, and he might have come in time to regard with reverence the large-heartedness of a Church which refused to content herself with claiming as her children the pious and the devoted, but which announced, in the only way in which it was at that time possible to announce it, that the ignorant and the vicious, the publican and the harlot, were equally the object of her care with the wisest and best of her sons.

This, however, was not to be. Whitgift and Bancroft, Elizabeth and James, had set their faces against private associations; and the consequence was that men were found to declare that private associations were the only congregations to which they were justified in giving the name of churches. Feelings which might have formed a support to the general piety, were left to grow up in fierce opposition to the existing system. The Church, it was said, was, by the confession of the Articles themselves, 'a congregation of faithful men.' Such, at least, the Church of England was not. Her bishops and archdeacons, her chan-

*Their opposition to the Church.*

cellors and ecclesiastical commissioners, existed mainly for the purpose of forcing the faithful and the unfaithful into an unnatural union. The time had come when all true Christians must separate themselves from this antichristian Babylon, and must unite in churches from which the unbelieving and the profane would be rigorously excluded.[1]

Towards the end of Elizabeth's reign, it was calculated that there were in England some 20,000 persons who had thus renounced communion with the Church, and who were popularly known by the name of Brownists. Such men would find but little sympathy even amongst Puritans. To ordinary Englishmen they were the object of contempt mingled with abhorrence. It was all very well, it might be said, for those who cared for such matters to raise questions about rites and ceremonies. But what was to be said to men who asserted that none but those who came up to their own arbitrary standard were sufficiently holy to take part with themselves in the assemblies of the Church?

1593. Their unpopularity.

Everywhere, therefore, the Separatist congregations were suppressed. Their members were committed to prison, in days when imprisonment was too often equivalent to the tortures of a lingering death; and they rotted away amongst the fevers which were rife in those infected abodes of misery. A few, by a cruel perversion of the law, were sent to the gallows. Some, who could not endure to remain at home and to wait for better times, made their way across the sea to a land where no bishops were to be found,

Persecution.

[1] "If Mr. Johnson confess . . . the Church of England a true Church, he must be able to prove it established by separation in a separated body in the constitution. He, with the rest, has formally defined 'a true visible Church, a company of people called and separated from the world by the Word of God,' &c.; and proved the same by many Scriptures.

"And to conceive of a Church which is the body of Christ and household of God not separated from the profane world which lieth in wickedness, is to confound heaven and earth, and to agree Christ with Belial, and, in truth, the most profane and dangerous error, which, this day, prevails amongst them that fear God."—Robinson. Of Religious Communion, *Works* iii. 129.

and cowered for refuge under the shelter afforded by the tolerant magistrates of Amsterdam.

The congregation at Amsterdam.

The church thus planted did not prosper. It contained within itself many persons of piety and integrity; and one of its ministers, Henry Ainsworth, was distinguished no less by the suavity of his disposition than by the depth of his learning. There were, however, too many amongst his congregation whose temper was hasty and unwise. The very self-assertion and independence of character which had made them Separatists, not unfrequently degenerated into an opinionativeness which augured ill for the peace of the community. It was peculiarly difficult to train to habits of mutual concession men who had already thrown off all restraints of custom and organization at home.

1604. Internal disputes.

Amongst such men causes of dispute were certain to arise. Francis Johnson, who was associated in the ministry with Ainsworth, had since his arrival married the widow of a merchant. The lady, who had a little more money than the other members of the congregation, gave great offence by what in that straitlaced community was considered the magnificence of her dress. Whenever she made her appearance she was pointed at as a disgraceful example of female vanity. She had adopted the fashion of the day in wearing cork heels to her shoes, and in stiffening her bodice with whalebone. A deputation accordingly waited upon Johnson, to complain of the bad example set by his wife. The poor man did not know what to do. In a strait between his wife and his congregation, he tried to compromise the dispute. The lady pleaded that it was impossible for her to spoil her dress by making any alterations in its shape. But she promised that, as soon as it was worn out, her new clothes should be cut so as to give satisfaction to the complainants.[1] The congregation, however, was not to be bought off so cheaply as this, and this miserable dispute was only the commencement of a prolonged quarrel, of which glimpses are to be obtained from time to time in the fragmentary annals of the little community.

[1] Bradford's Dialogue in *Young's Chronicles*, 446.

Two years later fresh seeds of contention were sown. In 1606 the Amsterdam Church was joined by a congregation which had emigrated from Gainsborough, under the guidance of their minister, John Smith.[1] He appears to have been a man of ability and eloquence, but of a singular angularity of character. He had scarcely set foot in Amsterdam before he had quarrelled with the original emigrants. He finally adopted Baptist opinions, so far at least as to assert the necessity of the re-baptism of adults. Not being able, however, to satisfy himself as to the proper quarter in which to apply for the administration of the rite, he finally solved the difficulty by baptizing himself. He was not one in whose neighbourhood peace was likely to be found. The congregation which had followed him from England was infected by his spirit, and it speedily broke up, and came to nothing.[2]

1606. Emigration of the Gainsborough congregation.

These stories, which lost nothing when recounted by the champions of the English Church, did not promise well for the future of the Separatists. In truth, there was a fund of intolerance inextricably involved in these men's opinions. The very principle upon which they had separated from the Church was calculated to foster a pharisaical spirit. Yet there were causes at work to draw them in an opposite direction. The theory that it was the duty of Christians to separate themselves from the profane and ungodly multitude led almost inevitably to the theory of the independence of each congregation so separated. The Roman Catholic, the Anglican, and the Presbyterian differed with respect to the principles upon which the Church ought to be organized; but they agreed in making that organization, whatever it might be, the central point of their system. To the Separatist, the one point of importance was, that a few faithful Christians had met together to strengthen one another with their mutual prayers and exhortations. He had, no doubt, a devout wish that others might be as pious as himself; but he was so far from entertaining a desire to compel them to join him against their will, that

Tolerance and intolerance of the Separatists.

[1] Hunter, *Founders of Plymouth Colony*, 32.

[2] Robinson, *Works*, iii. 168.

he would have regarded anyone who proposed such a course with the utmost horror. He would, therefore, be the first to take a stand against the prevalent belief that it was the duty of a Government to enforce conformity by penal legislation.

That, not without occasional relapses, the better principle became predominant was mainly the work of a little group of men who had not yet made up their minds to forsake their native country, and of whom, as yet, the central figure was Richard Clifton, a man who is scarcely known to us, excepting by the influence which he exercised over others.[1] At the end of Elizabeth's reign he was rector of Babworth, a village in the north-east corner of Nottinghamshire. He was devoted to his duties; and his earnestness attracted from the neighbouring villages all who were dissatisfied with the ministrations of their own parishes. Amongst these was William Bradford,[2] at the time when James ascended the throne a mere boy of thirteen, whose early piety and precocious thoughtfulness seemed to mark him for future eminence. The walk over the fields to Babworth from his Yorkshire home at Austerfield was nine or ten miles, and this distance he regularly paced backwards and forwards whenever Clifton's voice was to be heard in the pulpit. On his way he passed through the village of Scrooby, with its old manor-house, once a country seat of the Archbishops of York, but made over not long before by Archbishop Sandys, in a fit of nepotism, to his eldest son. It was now occupied by William Brewster, the postmaster of the place, which was a station on the great road to Scotland and the North.[3] Brewster was a man of congenial temperament with Bradford, and doubtless took a kindly interest in the boy. He was not without experience of the world. He had been attached to the service of the Puritan Secretary, Davison, and had accompanied him when he visited the Netherlands in 1585, to receive the keys of the cautionary towns. Upon Davison's disgrace, Brewster had returned to Scrooby, his native village, where he obtained the appointment, which he held by means of the

1603. Clifton at Babworth.

Bradford.

Brewster.

[1] Hunter, *Founders of Plymouth*, 40.
[2] *Ibid.* 99. [3] *Ibid.* 66.

interest which he still retained at Court. He brought with him the strong Puritan opinions which he had imbibed in Davison's household; but there is every reason to believe that as long as Clifton was still preaching, he continued to regard himself as a member of the Church of England, and that, like many others in the neighbourhood, he made his way from time to time across the fields to Babworth.

Evil days were in store for the non-conforming clergy. Elizabeth and Whitgift had chastised them with whips, James and Bancroft would chastise them with scorpions. The millenary petition was rejected. Its supporters were driven with contumely from Hampton Court. The Canons of 1604 passed through Convocation and received the Royal assent. Conformity—thorough and unhesitating conformity—was to be the unbending rule of the English Church.

1604. Clifton ejected.

Like so many others, Clifton, it would seem, refused to comply with the requirements of the new reign. He was accordingly deprived of his rectory, and the voice was silenced which had sounded like the messenger of God to so many pious souls.[1] To those to whom the parish church of Babworth had been as the gate of heaven, there was a void which nothing could replace. The system under which the preacher whom they loved had been driven from his pulpit, grew more odious to them every day. They saw in it faults which they had never seen before. A conviction, ripening as the weeks passed by, settled deeper and deeper in their minds, that the Church which counted amongst her children the formalist and the worldling, and which drove the Papist, under heavy penalties, to take a hypocritical part in her most solemn rites, but which could find no room for Clifton amongst her ministers, was already condemned of God.

[1] There is no direct evidence of the date of Clifton's ejectment. But Cotton (*Magnalia Christi Americana*, ii. 1, § 2) speaks of Bradford as reading the Scriptures at the age of twelve, and as subsequently attending Clifton's ministry. Bradford was twelve in 1602, and during the two following years James had not yet broken with the Puritans. Nor is it likely that Clifton could have escaped the clean sweep in the autumn of 1604, especially as we find him an ejected minister so soon afterwards.

The blow which had fallen upon Clifton at Babworth, fell at Norwich upon a man of equal piety, but of far superior abilities.

Robinson at Norwich.

John Robinson had long striven to do his duty with such an amount of compliance with the Prayer Book as the Puritan clergy were accustomed to render. When he was dismissed from his post, his heart clung to the Church, as the heart of Wesley clung to it a century and a half later. He entreated the magistrates of the city to grant him the mastership of the hospital, or at least to assign to him the lease of some premises in which he might continue to render spiritual aid to such of his old congregation as might be inclined to seek his assistance. Even this was denied him, and with a heavy heart he turned his steps towards Gainsborough, his native town.[1]

For two years after Clifton's expulsion, nothing is known of his proceedings, but it is certain that those who gathered round him grew more and more estranged from the Church. The line of demarcation between the ejected and the ejectors was widening into an impassable gulf. It is by no means unlikely that Clifton and his friends placed themselves in communication with Smith and his Gainsborough congregation. At all events, when Smith emigrated in 1606, they determined to form themselves into a separate congregation. Brewster readily offered his house at Scrooby for their meetings, and Clifton was, as a matter of course, chosen to be the pastor of the little flock.[2] Robinson, who, as may safely be

1606.

The congregation at Scrooby.

[1] Hunter, *Founders of Plymouth*, 92. Hall, "Apology against the Brownists," *Works*, ix. 91. Ashton's Life of Robinson, prefixed to the collected edition of his works.

[2] Morton (*Memorial*, 1) places the date of the formation of the Scrooby Church in 1602. But this is most improbable in itself, and is contradicted by the far better evidence of Bradford, who says :—"After they had continued together about a year, . . they resolved to get over into Holland" (*History of New England*, i. 10). Mr. Palfrey, indeed (*ibid.* i. 135, note 1) observes, that Bradford perhaps reckoned from the time of Robinson's joining the Church. But the more natural interpretation is corroborated by another passage. In speaking of Brewster's death, in April, 1643, Bradford says (*Hist.* 468), that he "had borne his part with this poor persecuted Church above thirty-six years," *i.e.* from the winter of 1606-7.

conjectured, looked askance upon a man of Smith's quarrelsome temper, had taken no part in the emigration of his fellow-townsmen, but consented at once to act as Clifton's assistant at Scrooby. Brewster was to be the Elder, an office for which he was eminently fitted. His quiet unobtrusive goodness, as well as his position in the house in which the congregation met, enabled him, without the risk of giving offence, to speak words of kindly reproof, and to soften down those inevitable asperities which were working such mischief at Amsterdam. Bradford was, as yet, too young to take any prominent part in the community, but his more practical nature was likely to stand it in good stead when the time came for the exercise of the more energetic virtues.

The step which these men had taken was not without its dangers. Everyone who met at Brewster's house knew that he was acting in defiance of the law. There was no longer any peace for them in England. They were none of them rich men. For the most part, they were engaged in agriculture, the pursuit which, of all others, is the least suggestive of movement and change. Time out of mind, their forefathers had ploughed the same fields, and had been buried in the same green churchyards, under the shelter of the old familiar churches. Their English homes were very dear to them. To dwell in a foreign land was to be cut off from all intercourse with those they loved, to a degree which, in these days, we are hardly capable of comprehending. Yet all this, and more than this, they were resolved to face. They had made up their minds that it was their duty to go, and, in spite of the hardships which awaited them, there was no shrinking back.

1607. Determination to emigrate.

If, however, it was illegal to hold their assemblies in England, it was no less illegal to leave the country without the Royal licence.[1] It was therefore necessary to make their preparations in secret. At last all their difficulties seemed to be at an end. A vessel was hired to meet them

Difficulties in the way.

[1] By 13 Ric. II. stat. 1, cap. 20, persons not being soldiers or merchants might not leave the realm without licence, excepting at Dover or Plymouth.

at Boston. On the appointed day they moved down cautiously towards the coast, and timed their journey so as to arrive at the water's edge shortly after nightfall. They went on board at once, fancying they had nothing more to fear. Even then they were doomed to disappointment. The captain proved a rogue. He had already pocketed their passage money, and he wanted to be relieved from the fulfilment of his bargain. He accordingly gave notice to the magistrates, and just as the poor emigrants were watching for the weighing of the anchor, the officers came on board, and hurried them on shore. The unhappy men were stripped of everything which they possessed, and were brought up for examination on the following morning. The magistrates, as frequently proved the case, were disposed to be lenient to anything that bore the name of Protestantism, but they were hampered by the necessity of waiting for instructions from the Privy Council. In due time these instructions were received, and it was only after long imprisonment that the poor men were allowed to return to their homes. Brewster and six of his companions were detained still longer, and were only dismissed after having been bound over to answer for their conduct at the next assizes.

It is hard to stop resolute men. In the course of the following year, they all, in one way or another, succeeded in effecting their escape. When, in the autumn of 1608, they met together once more at Amsterdam, there were few who had not some tale to tell of sufferings endured. But even at Amsterdam there was no rest possible for them. The little Church there was still distracted by disputes, and it was not from a love of theological polemics that they had left their homes. Smith and Johnson might quarrel as much as they pleased; but as for themselves, they had come to Holland in search of peace, and, if peace was not to be found at Amsterdam, it must be sought elsewhere. Accordingly, before they had been many months upon the Continent, they removed in a body to Leyden, leaving the theologians to fight out their battles amongst themselves. Clifton, worn out by the trials of his life, and

1608. They escape to Amsterdam.

1609. Their removal to Leyden.

sinking into a premature old age, was unable or unwilling to accompany them, and his place was taken by Robinson.[1]

The years of residence at Leyden were, in every respect, beneficial to the exiles. Whatever intolerance might be lurking in their hearts was no longer influenced by the opposition of an intolerant Church. It was true that in Holland, as well as in England, they found themselves face to face with that world from which they had done their best to separate themselves. It was a world in which there was sin and error enough, and in which evil men and evil habits were to be met at every turn, but not one in which was to be found either a Bancroft or a James. In their own little circle, the emigrants might pray and preach as they pleased. There was no Court of High Commission to visit them with fines, no informer to dog their steps, no justice of the peace to send them to prison. Was it strange that, although their recollections were still full of bitterness towards the system under which they had suffered, their sentiments towards individual men grew more kindly, and that they were more ready to make allowances than they had been before? On the other hand, their position drove them to grasp more firmly than ever their theory of the separation between the spiritual and the temporal, upon which the principles of toleration rest. Strangers in a foreign land, the wildest fancy could not lead them to expect a time when they might hope to win over the magistrates of the Republic to their own peculiar views. They knew that as long as they remained in Holland, they must either be tolerated or oppressed. Their only safeguard lay in throwing their whole weight into the scale of toleration, and in restricting to the uttermost the right of the civil magistrate to interfere in spiritual questions. What Knox and Calvin had failed to comprehend, was reserved for these poor Separatists to teach.

At such a time, the presence of a man like Robinson was invaluable to them. If the Leyden congregation was to be saved from the fate of the Church at Amsterdam, it could only be by the acceptance of some systematized belief, and the task of laying the foundations of such a

Influence of Robinson.

[1] Bradford, *History of Plymouth Plantation*, 16.

system was one for which Robinson was eminently fitted. It was by him that the opinions of his companions were welded into a coherent whole. Separation from sinners, resistance to a dominant clergy, the right of individual congregations to manage their own affairs, and the other peculiarities which the current of events had brought to the surface, all assumed their proper place in a theory so complete that those who accepted it were able to imagine that it contained all wisdom, human and Divine. Nor was it solely to his intellectual powers that Robinson owed the influence which he had acquired. Even amongst men who could measure gentleness of disposition by Brewster's standard, he was noted for the kindness of his heart.

Yet the exiles were not at ease even at Leyden. Their sober industry kept them from want: but most of them had to struggle hard. Their fingers had been trained to handle the plough better than the loom, and it was with difficulty that they were able to compete with the skilled workmen by whom they were surrounded. From their lodgings amidst the close alleys of the town they looked back with sadness to the pure air and the pleasant hedgerows of their native England. Nor were other causes of discontent wanting. They had come to Holland in order to keep themselves separate from the world. Were they sure that they had succeeded? Their longing for a land in which tares never mingled with the wheat was still unsatisfied. Their children, as they grew up, were not always content with the hard life of their parents. Some of them had enlisted in the armies of the Republic; with what danger to their souls, who could tell? Some, still worse, had strayed into folly and vice. Even in that land of Calvinism, the Sabbath rest was not observed as they would fain have seen it. And so, again and again, the question was raised, whether the world did not afford some spot where the young might be preserved from contamination. Nor was it only for themselves and for their children that they were anxious. They knew that there were many still in England whose opinions coincided with their own, and they had fondly hoped that their little Church would prove the nucleus

1617. Dissatisfaction with Leyden.

BOROUGH OF LEWISHAM BROOKLEY

round which a large number of emigrants would gather. But, as long as they remained where they were, nothing of the kind was to be hoped for. The spiritual advantages of becoming a member of Robinson's congregation were of little weight with the hundreds who shrank from the drudgery of daily life at Leyden.[1]

Determination to emigrate to America.

All these considerations urged the exiles to seek another home. The ideal of the pure and sinless community which they hoped to found was still floating before their eyes, and was drawing them on as it receded before them. Let us not stop to inquire whether such an ideal was attainable on earth. It is enough that in striving to realise it, they did that which the world will not willingly forget.

In what part of the globe was a home to be found for the new Christian commonwealth? Very tempting were the accounts borne across the Atlantic of the fertility of Guiana; but, even though Raleigh's hopes had not yet been wrecked on the banks of the Orinoco, prudence forbade the exposure of their scanty and unwarlike numbers to the hostility of the whole Spanish monarchy. Harsh, too, as their treatment had been in England, their hearts were still English, and not only were they unwilling to settle themselves out of the dominions of the English Crown, but all their hopes of attracting additional emigrants lay in their finding some spot where there was nothing to aggravate the ordinary difficulties in the way of a free communication with the mother country. With these hopes before them, their choice was limited to the Atlantic coast of North America.

Choice of a spot.

Even with this limitation they had a wide range before them. From the Spanish possessions in Florida to the French colony in Nova Scotia, the little settlement at Jamestown was, with the exception of a Dutch factory on the Hudson, the only spot where Europeans were to be found. The Plymouth Company, to which the northern part of the coast had been assigned, had accomplished nothing. At the

[1] Bradford, *History of Plymouth Plantation*, 22. Winslow's Brief Narrative, in *Young's Chronicle*, 381.

time when the sister company was sending out the last settlers to Virginia, an attempt had been made to establish a colony as far north as the mouth of the Kennebec. But the hardships of winter in such a latitude had been too much for the emigrants, and no Captain Smith had been found in their ranks. As soon as the summer weather enabled them to move, they made the best of their way back to England with diminished numbers. Fresh efforts were made by Smith, who, since his recall from Virginia had transferred his allegiance to the Plymouth Company, but from various causes all his attempts at colonisation had proved abortive. All that he had been able to do was to bring home a survey of the coast, and to give to the land which he had hoped to fill with happy English homes the now familiar name of New England.

Between the rival companies the exiles of Leyden hesitated long. On the one hand, they were repelled by the known severity of the northern climate. On the other hand, they feared the neighbourhood of the Jamestown colonists, and they fancied, not without reason, that the arrival of a body of nonconformists would hardly be regarded with friendly eyes by the Virginian adventurers.

At last they resolved upon a middle course. They would come as far south as they dared without approaching too near to Jamestown. Near the mouth of the Hudson, somewhere on the coast of the present State of New Jersey, they might find a spot which would be free from both dangers. It was just within the limits of the Southern Company, the officials of which had practical experience in colonisation, and which, as long as it counted Sir Edwin Sandys among its leading members, was likely to abstain from investigating too narrowly the theology of the settlers who placed themselves under its patronage.

Two messengers were accordingly despatched to England, to enter into negotiations with the Virginia Company of London.

1618. Negotiations in England. With the support of Sandys they had little difficulty in obtaining a favourable hearing for their project, but the King's assent was less easily won. Yet even with James they did not meet the obstacles that might have

been expected. They hoped, they said, that he would allow them to enjoy liberty of conscience in America. In return they would extend his dominions and would spread the Gospel amongst the heathen. James inquired how they meant to live. "By fishing," they said. "So God have my soul," replied the King, "'tis an honest trade; 'twas the Apostles' own calling." Their case was referred to the Archbishop of Canterbury and the Bishop of London, and they were finally told that, though they must not expect any public assurance of toleration, yet, as long as they behaved peaceably, their proceedings would be connived at. In accepting this offer, they probably thought that if they could only make good their footing in America, the King's arm would hardly be long enough to reach them.

Further delay was caused by the dissensions with which the company was at this time agitated, and it was not till the summer of 1619 that they obtained a patent from it authorising them to establish a settlement near the mouth of the Hudson.[1] As soon as the patent arrived in Leyden, the first step of the congregation was to hold 'a solemn meeting, and a day of humiliation to seek the Lord for his direction.' In the midst of all their difficulties, Robinson's presence was a tower of strength, and his words of loving encouragement lingered long in their memories. As soon as his sermon was ended, a consultation was held, in order that the enterprise might be put into a practical shape. About two hundred persons were present, and of this number nearly half were willing to take part in the undertaking. The rest, including Robinson himself, were prevented by various causes from leaving Holland, though there were few who did not express a wish that they might be able ultimately to find their way to America. Even with their numbers thus reduced they were forced to ask assistance, and to mortgage their future prospects in order to secure a passage across the Atlantic. With the necessity of borrowing came the necessity of yielding to the terms of those who were willing to lend. The firm and

1619. Patent from the Virginia Company.

[1] Bradford, *History of Plymouth Plantation*, 27-41. Winslow's Brief Narrative, in *Young's Chronicle*, 382. The patent itself has not been preserved.

steadfast step with which they had hitherto walked straight towards their goal was now to be exchanged for uncertainty and delay.

They had applied for money to Thomas Weston, a London merchant, who had visited them at Leyden. He assured them that they should want for nothing. He would form a company to bear the risks of the undertaking, upon the security of a certain share of the profits.

The Adventurers.

With the company thus formed an agreement was duly signed, but difficulties in its interpretation were not slow to arise. Looking to the past history of colonisation, the shareholders may well have felt that they were taking part in a scheme of which the chances of failure were far greater than those of success. The Leyden congregation had determined that they would not fail, and the resolute purpose which was to ensure success made them impatient of the doubts of others. It was sadly against their will that they finally yielded to the stringent conditions on which alone the money was to be had.[1]

In these negotiations, time, always precious to the poor, was lost. The autumn and the winter of 1619 passed slowly away. The spring of 1620 came, and there was yet a possibility that they might reach America before the summer was at an end. But the months were suffered to slip away, and it was not till July that the preparations were complete. At last, however, everything was ready. The 'Mayflower,' a little vessel of 180 tons, had been hired for the voyage, and was lying in Southampton Water. The 'Speedwell,' of sixty tons, had been purchased, and it was intended that she should be used as a fishing vessel on the other side of the Atlantic. She was now despatched to bring over the emigrants from Holland

1620.

The 'Mayflower' at Southampton.

Many precious lives would have been saved if the time of departure could have been delayed till a more favourable season; but money was running short, and the poor men could not afford to wait. The day was fixed, a day sad both for those who were to go and for those

Departure from Leyden.

[1] Bradford, *History of Plymouth Plantation*, 42–54.

who were to remain. Yet their sorrows were not unmixed with such hopes as befitted their devout and sober piety. "So, being ready to depart," wrote one who had then set his face towards the wilderness, "they had a day of solemn humiliation, their pastor taking his text from Ezra viii. 21: 'And there at the river by Ahava I proclaimed a fast, that we might humble ourselves before our God, and seek of Him a right way for us, and for our children, and for all our substance,' upon which he spent a good part of the day very profitably and suitably to the present occasion. The rest of the time was spent in pouring out prayers to the Lord with great fervency, mixed with abundance of tears. And the time being come that they must depart, they were accompanied with most of their brethren out of the city unto a town sundry miles off, called Delft Haven, where the ship lay ready to receive them. So they left that goodly and pleasant city which had been their resting-place near twelve years; but they knew they were pilgrims and looked not much on those things, but lift up their eyes to the heavens, their dearest country, and quieted their spirits. When they came to the place, they found the ship and all things ready; and such of their friends as could not come with them followed after them; and sundry also came from Amsterdam to see them shipped and to take their leave of them. That night was spent with little sleep by the most, but with friendly entertainment and Christian discourse and other real expression of true Christian love. The next day, the wind being fair, they went aboard and their friends with them, where truly doleful was the sight of that sad and mournful parting, to see what sighs, what sobs and prayers did sound amongst them, what tears did gush from every eye, and pithy speeches pierced every heart; that sundry Dutch strangers that stood on the quay as spectators could not refrain from tears. Yet comfortable and sweet it was to see such lively and true expressions of clear and unfeigned love. But the tide, which stays for no man, calling them away that were thus loth to depart, their reverend pastor falling on his knees, and they all with him, with watery cheeks commended them with most fervent prayers to the Lord and His blessing. And then, with mutual embraces and

many tears, they took their leaves one of another, which proved to be the last leave to many of them."[1]

And so, lifting up their eyes to the heavens, their dearest country, they parted one from another. Of those who returned to Leyden, there were some who were, in due time, to follow in the footsteps of the emigrants. There were others who, like Robinson himself, were to leave their bones in the city which had sheltered them so long. The 'Speedwell,' laden with its precious freight, bore the emigrants to Southampton, where they were joined by their companions who had been sent before to complete the preparations for the voyage, and to collect such recruits as were willing to join them.

Passage to Southampton.

About one hundred and twenty persons, men, women, and children, embarked as passengers on board the two vessels. Brewster and Bradford were there, to represent the old Scrooby congregation. Edward Winslow, a gentleman by birth, happening to pass through Leyden on his travels, had been attracted by Robinson's preaching, and had thrown in his lot with the despised Separatists. More peculiar was the position of Miles Standish. He was not, nor did he ever become, a member of their Church; but he had willingly offered to share their exile, and he brought with him the military skill of which they were not unlikely to stand in need. He had, in all probability, served some years as a soldier in the garrison of one of the cautionary towns. He may have been actuated in his wish to join the exiles partly by a daring spirit and a love of adventure. But he was a man of sober worth, and he may well have clung to the society of those of whom the congregation was composed, even if he could not altogether adopt their tenets.

Precious time was again lost at Southampton in a vain attempt to obtain better terms from the company. After a delay of seven days, the two vessels dropped down past Calshot and the Needles into the Channel. It was soon discovered that the 'Speedwell' had sprung a leak, and the exiles were forced to put into Dartmouth for

The two vessels leave Southampton.

[1] Bradford, *History of Plymouth Plantation*, 58. It is a pity that in the fresco which adorns the Houses of Parliament, the realities of this

repairs. Once more, as soon as the mischief had been remedied, they weighed anchor with renewed hope. This time they were out of sight of land before any complaint was heard; but the smaller vessel was overmasted, and the leak was soon as bad as ever. With heavy hearts they put back to Plymouth, where it was resolved to leave the 'Speedwell' behind, and to get rid of those of their fellow-passengers who were already growing sick of the hardships of the voyage.

The 'Speedwell' left behind.

On September 6, just as the couriers were speeding to England with the news of Spinola's attack upon the Palatinate, the emigrants bade farewell to that lovely harbour from which, three years before, Raleigh had started in pursuit of his phantom of the golden mine. Rame Head, and the Lizard, and the Land's End, the cold grey bulwarks of unsympathizing England, one after another dropped out of sight. At last they were alone upon the Atlantic. Behind them, save in a few distant Leyden garrets, there were none to whom their failure or their success would furnish more than a few hours' scornful gossip. Before them was the stormy sea, and in the Far West lay that wilderness which was only waiting for their approach to stiffen under its winter frosts. Yet there was no sign of blenching. If God were on their side, what mattered the coldness of the world, the jeers of the sailors, or the howling of the Atlantic storms?[1]

September. The voyage of the 'Mayflower.'

The voyage was chequered with few incidents; but there is one passage in the narrative in which Bradford has embalmed the story of those days of trial, too characteristic of the writer and his companions to be passed over in silence. "I may not," he wrote, "omit here a special work of God's providence. There was a proud and very profane young man, one of the seamen. He would alway be contemning the poor people in their sickness, or cursing them daily with grievous execrations, and did not let to tell them that he hoped to cast half of them overboard before they came to their

scene should have been neglected for an imaginary parting on a beach which never existed.

[1] Bradford, *History of Plymouth Plantation*, 68–74.

journey's end, and to make merry with what they had ; and, if he were by any quietly reproved, he would curse and swear most bitterly. But it pleased God before they came half seas over to smite this young man with a grievous disease, of which he died in a desperate manner, and so was himself the first that was thrown overboard. Thus his curses lighted on his own head, and it was an astonishment to all his fellows, for they noted it to be the hand of God upon him."

Nov. 9. Arrival at Cape Cod.

On November 9 the emigrants caught sight of land. The low shore of Cape Cod stretched away for miles in front of them. From the spot at which they had struck the coast, a short voyage of less than seventy miles would bring them to the place which they had marked out for their settlement. The ship's course was accordingly altered in a southerly direction, and an attempt was made to reach the mouth of the Hudson. They had not gone far before they found themselves off Sandy Point, amongst shoals and breakers white with foam. The captain declared that the danger was too great to be faced, and altering the ship's course once more he steered to the northward along the coast. On the 11th, the 'Mayflower' rounded the extreme point of the peninsula of Cape Cod, and dropped anchor in the smooth water inside. Of the emigrants, one had died during the passage, but their numbers were still the same as when they left Plymouth harbour, a child, Oceanus Hopkins, having been born on board. One hundred and two persons, of whom about fifty only were full-grown men, looked out under the bleak November sky upon the desolate shore, on which they were, with as little loss of time as possible, to search for a home.

Nov. 11. Agreement to form a Government.

Before anyone was allowed to leave the ship, a meeting was called, to take steps for the prevention of a danger which threatened to sap the foundations of the infant colony. In one respect the breakers off Sandy Point had made a great alteration in their position. At the mouth of the Hudson they would have been within the limits of the Virginia Company's authority. At Cape Cod those limits were passed, and the patent which had been obtained with so much difficulty had suddenly been rendered

useless. For many months it would be impossible to communicate with the northern company in whose territories they now were, and it would be hazardous to establish a colony without any recognised government to preserve order in its ranks; for already it had been discovered that among the recruits who had joined them at Southampton, there were some who were muttering that they might do as they pleased, since there was no longer any legal authority which could call them to account for their actions. It was to meet this difficulty that a document framed in the following terms was laid before the meeting for signature :—

"In the name of God, Amen. We, whose names are underwritten, the loyal subjects of our dread Sovereign, King James . . . having undertaken, for the glory of God and the advancement of the Christian faith, in honour of our King and country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually, in the presence of God and one another, covenant to combine ourselves into a civil body politic, for our better ordering and preservation, and furtherance of the ends aforesaid; and by virtue hereof, to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions and offices from time to time as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience."

The instrument of government.

To this declaration not one of the emigrants refused to set his hand. The meeting next proceeded to choose as their first governor, John Carver, who had taken an active part in the negotiations with the Company in England.[1]

Carver chosen governor.

[1] "After this," writes Bradford, "they chose, or rather confirmed, Mr. John Carver for that year."—*History of Plymouth Plantation*, 90. Mr. Deane, the editor of Bradford's *History*, suggests that "or rather confirmed," was written inadvertently. This is very unlikely. I have no doubt that Carver was named to the office in the lost patent from the Virginia Company. It will be remembered, that the first Council of Virginia was nominated in England. That it was intended that the New England colonists should elect their governor after the first year, appears from Robinson's letter in Bradford's *History*, 66.

In all this there was nothing new. The election of administrative functionaries took place in every borough town in England. What was really new was that whilst in England each corporation was exposed to the action of the other forces of the social system, in America the new corporation was practically left to itself. It was as if Exeter or York had drifted away from the rest of England, and had been left to its own resources on the other side of the Atlantic. The accident which had deprived the colony for a time of all legal connexion with the Home Government, was only a foreshadowing of its future fortunes. Sooner or later the colonies would have a social and political history of their own, which would not be a repetition of the social and political history of England. When once the first difficulties were at an end, there would be a society in which no one was very poor, and no one was very rich, and it was evident that to such a society many of the provisions of the English constitution would be altogether inapplicable.

For the present, however, there was work before the emigrants which left no time for the discussion of political principles. Immediately after Carver's election, fifteen or sixteen of their number, who had been sent on shore for wood, returned with a report that they had found soil of rich black earth behind the sandhills. The next day they kept their Sabbath, the first Sabbath in the new world which was opening before them. On Monday morning they were anxious to commence the exploration of the country, but the shallop which they had brought with them for that purpose, was found to have been injured on the voyage. Whilst it was being repaired, a party, under the command of Standish, was sent on shore to explore the immediate neighbourhood. They returned on Friday, bringing with them some Indian corn, which they had found in a deserted native village. This little stock was invaluable to the settlers, as, by some extraordinary mismanagement, they had left all their seed corn behind them in England.

Exploration of Cape Cod.

Nov 12.

Nov. 13.

Nov. 17.

Standish had hoped to find the shallop ready on his return;

but the carpenter was lazy or careless, and contrived to consume fourteen days upon what should have been at most the work of six. It was not till the 27th that the exploring party was able to start. The weather had now become very bad. Winter had come down upon them in all its rigour. The cold blasts pierced to the skin, and the snow fell thick upon the houseless wanderers. The water near the shore was so shallow that it was impossible to land, except by wading. Time and means to dry their dripping garments were alike wanting. Not a few owed their deaths to diseases the seeds of which were implanted in the constitution during these melancholy days. Yet they struggled on bravely. They made their way to the southward along the inner shore of the peninsula, sometimes in an open boat, sometimes on foot, over hills and valleys, wrapped in a deep covering of snow. On the evening of the 30th they returned on board, footsore and weary, and reported in favour of a spot near the mouth of the Pamet River, not far from the place where the Indian corn had been found.

Nov. 27.

Long and earnest was the consultation that evening on board the 'Mayflower.' Many reasons concurred in recommending the spot which had been selected by the pioneers; but the coast was shallow, and there was no running stream of fresh water in the immediate neighbourhood. In the midst of the discussion, they were told by the pilot of the ship that he remembered that, when he was last on the coast, he had seen a good harbour on the mainland opposite. Upon this, they resolved not to come to a final resolution till a fresh exploring party had visited the spot.

Nov. 30. December. Exploration of the main land.

Accordingly, on December 6, ten of the emigrants, accompanied by six of the crew, set out to face the hardships of another search. The weather had not improved. Their clothes stiffened under the freezing spray, till they were like coats of iron. Here and there as they coasted along, they stopped to examine the nature of the soil. On the morning of the third day, as they were rising from their bivouac, they were attacked by Indians. With difficulty they regained their boat; but they

had scarcely put off from the land when the wind rose to a hurricane. Fortunately it blew in the direction of their course; but, as they swept along amidst the blinding snow, they began to feel anxious lest they should be dashed against the coast, which, as they knew, was not far in front. A huge wave dashed over them, carrying away the rudder as it passed. As they were steadying the boat with the oars, the pilot, peering through the driving snow, caught sight of land, and cheered them by announcing that he recognised the harbour of which he had told them. He had scarcely uttered the words, when the mast was broken short off by a sudden gust, and the fallen sail, flapping as it lay against the side of the boat, so impeded their movements, that, but for the flood tide which was running strongly into the harbour, they would have been dashed to pieces amongst the breakers. Yet even then the danger was not over. The pilot fancied that he had mistaken the place, and lost his presence of mind. With a wild cry of "The Lord be merciful! my eyes never saw this place before," he attempted to beach the boat amongst the tumbling surf. Happily, the other seamen interfered, and smooth water was gained at last. As the shadows of night closed in, the wanderers, wet to the skin, and faint with watching, stepped on shore.

At midnight the wind shifted, and the stars shone clearly out through the frosty air. When the morning dawned, the emigrants discovered that they were on an island in the midst of the spacious and landlocked bay, to which Smith had given the name of Plymouth, a name which they gladly retained in memory of the last spot upon English soil on which their feet had trodden. Here they remained for two days to recruit their exhausted frames. On the morning of December 11, a day never to be forgotten in the annals of America, they made their way to the mainland. The granite boulder on which they stepped as they landed became an object of veneration to their descendants. Fragments of it were treasured up in the homes of New England, with a reverence scarcely less than that which in Catholic countries is bestowed upon the relics of the saints. The Pilgrim Fathers, as their children loved to call them, hold a place

Dec. 11. The landing at Plymouth.

in the annals of a mighty nation which can never be displaced. It is not merely because they were the founders of a great people that this tribute has been willingly offered to their memories. It is because they sought first the Kingdom of God and His righteousness, that honour and reverence have been freely paid to them by descendants whose hearts have warmed to the tale of spiritual heroism, all the more, it may be, because their own life for a long time assumed, in its long struggle with physical difficulties, a less ideal character.

The honours which were to be paid them in future times were far from the thoughts of the exiles. With pleased eyes they looked upon the clearings in the forest, and upon the blades of Indian corn, which gave tokens of human presence. They marked the rattling brooks which promised a perennial supply of water, very different from that which they had drunk from the ponds of Cape Cod ; and they noted that the harbour was safe and deep. A hasty glance was sufficient to satisfy them, and they hurried back to bear the good tidings to their companions in the 'Mayflower.' To one at least of their number the day on which he rejoined his comrades must have been ever remembered as a day of bitter sorrow. As Bradford stepped on board, he was met by the news that his wife had fallen overboard, and had perished before help could reach her.

Choice of a site.

On December 16 the 'Mayflower' cast anchor in Plymouth Bay. Two or three days were spent in further exploration. On the 19th, 'calling upon God for direction,' the whole company decided in favour of the spot at which the pioneers had landed. It was no holiday employment which they had undertaken. On the 20th, they began to work. The next day it was blowing a hurricane. Those who were on shore were drenched to the skin, and those who had remained on board were unable to join their companions. For two days the storm raged without intermission. On the 23rd the weather moderated, and they were able to fell and carry timber. Then came the Sabbath rest, the day on which their trials were all forgotten—a rest which was this time to be disturbed by an alarm, happily false, of approaching

December. Building of the village.

Indians. The next day was the 25th, Christmas-day in England. "That day," says the journal of the exiles, with grim brevity, "we went on shore, some to fell timber, some to saw, some to rive, and some to carry. So no man rested all that day." And so the narrative of their labours proceeds. The work was often interrupted by the terrible weather, but they struggled manfully on, and by the middle of February sixteen log huts were ready for the reception of the families of the builders.

1621. February.

It would have been well if these hardships had been the worst against which they had to contend. But fatigue and exposure had told heavily upon them. Before the summer came, fifty-one persons, a full half of their scanty number, had been struck down by disease. Yet it was in the very depth of their suffering that the power of Christian charity was seen. "In the time of most distress," wrote one who passed through that gloomy winter, "there was but six or seven sound persons who, to their great commendation be it spoken, spared no pains night nor day, but with abundance of toil and hazard of their own health, fetched them wood, made them fires, dressed them meat, made their beds, washed their loathsome clothes, clothed and unclothed them—in a word, did all the homely and necessary offices for them which the dainty and queasy cannot endure to hear named—and all this willingly and cheerfully, without any grudging in the least, showing herein their true love unto their friends and brethren. A rare example, and worthy to be remembered. Two of these seven were Mr. William Brewster, their reverend elder, and Miles Standish, their captain and military commander, unto whom myself and many others were much beholden in our low and sad condition."

Sickness amongst the settlers;

Nor was it only to one another that they were ready to show kindness. The sailors of the 'Mayflower' had been rude and scornful. When the disease was raging at Plymouth, the captain had refused to send on shore even a little beer for the sick. At last his own men were struck down, and, as he saw them dying around him, he repented of his harshness. The settlers, he now said, might

and on board the 'Mayflower.'

have as much beer as they wanted, if he had to drink water on his voyage home. A few of the passengers who were still on board devoted themselves to nursing the sick. One of the sailors was heard expressing his gratitude for the kindness he received. "You," he said, "show your love like Christians indeed to one another; but we let one another lie and die like dogs." [1]

At last the remnant of the emigrants was sufficiently established to dispense with the 'Mayflower.' On the 5th of April, the vessel which had been their home for so many months, sailed away for England. The blue waves of Plymouth Bay rolled in once more unbroken to the beach. The settlers were alone. Some twenty full-grown men remained to encounter, as best they might, the dangers of the wilderness. By their side were a few true-hearted women, with their tender little ones clinging round them. At the end of the short street were the graves of those they loved, who had fallen before the blasts of that terrible winter, and beyond was the illimitable forest with its unknown perils. Yet were they full of hope. One danger at least proved less than they had expected. From a few straggling Indians who found their way to the village, they learned that the whole country had recently been depopulated by an epidemic, and that they had only to deal with the shattered remnants of the populous and warlike tribes which had once been masters of the soil. As for themselves, a turn seemed to have taken place in the tide of their fortunes. The warm summer was coming on, and though deaths still occurred, the mortality was rapidly diminishing.

April. Return of the 'Mayflower.'

Amongst those who died after the departure of the 'Mayflower,' was Carver. The colonists instantly elected Bradford to the vacant post of governor. So well did he perform the duties of the office, that he was chosen year after year with scarcely an interruption, till age unfitted him for further service. By his side, ever ready to support his authority, was Standish, now formally installed as military

Bradford elected governor.

[1] Bradford, *History of Plymouth Plantation*, 81–93. Mourt's Relation, in *Young's Chronicles*. The latter account is generally ascribed to Bradford and Winslow.

commander, and Winslow, not as yet holding any official position, but recognised as the man whose tongue and pen could be reckoned on if ever the infant colony should be menaced with interference from the mother country. In the absence of a regular minister, the services of the Church were conducted under the presidency of Brewster.

For the present at least the exiles had gained the object of their double emigration. With the exception of a few of their number who had joined them at Southampton, they were, to all appearance, men who were likely to keep at bay the temptations of the world. Peaceful and God-fearing, they had sought to found a society from which evil should, as far as possible, be excluded. How their hopes were disappointed ; how the world, attracted by their success, came pouring in upon the shores which they had marked as their own ; how they rose above temptation, and showed that by sheer force of goodness they could win the submission of the very men who had wronged them most bitterly, as easily as they could resist with brave endurance the famine and its attendant miseries which burst in upon them once more through the ill-doing of the new comers ; this, and more than this, is written in the first pages of the history of New England. But from all this we are bound to turn away. It is enough for us to ask how England itself was likely to be affected by the principles which had conducted the emigrants across the Atlantic.

Prospects of toleration in England.

That a country like England, with its old social distinctions, and the many-sided life of its redundant population, should ever permanently take the shape which commended itself to the devout hearts of the Separatists, was manifestly impossible ; and, but for the extraordinary blunders of the Government in the next generation, it would have been no less impossible for men possessed by the spirit of Bradford and Brewster to have risen even temporarily to authority in the land. But it was no slight indication of the tendency of the age that, at a time when the question of religious toleration lay at the root of so many difficulties, two men, so opposite in every respect as Robinson and Selden, should have arrived indepen-

Robinson and Selden.

dently at the conclusion that the clergy had no right to require the State to exercise coercive jurisdiction in support of their opinions.[1] No doubt this concurrence was brought about by arguments of a very different kind. Selden would have restricted the clergy to the use of moral suasion, because he dreaded their encroachments upon the rights of the laity. Robinson would have asked for the same change because he dreaded lest they should interfere with the free exercise of religious zeal. If Selden had had his way, there would have been very little religious zeal left to interfere with. To such a man the one-sidedness, the violence, the very excitement of theological partisanship were eminently distasteful. He looked upon the enthusiasm of Laud, and the enthusiasm of Robinson, as equal nuisances to society. He never forgot that strong feeling contains the germs of possible tyranny over the opinions of others, and, in his heart, he fixed his hopes upon a calm and philosophical religion in which, though there might be no fanaticism, there would be but little life. If Robinson, on the other hand, had had his way, the English Church would have been parcelled out into a number of independent congregations, the members of which would have treated the mass of their countrymen as unworthy of the very name of Christians. In spite of his own breadth of view, piety and devotion would have been found

[1] Amongst the articles presented by the emigrants to the King before they obtained leave to sail, and signed by Robinson and Brewster, were some in which they agreed to respect and obey the bishops, but only on account of their position as officers of the Crown.

"We judge it lawful," they say, "for his Majesty to appoint bishops, civil overseers, or officers in authority under him, in the several provinces, dioceses, congregations, or parishes, to oversee the churches and govern them civilly according to the laws of the land, unto whom they are in all things to give an account, and by them to be ordered according to godliness.

"The authority of the present bishops in the land we do acknowledge, so far forth as the same is indeed derived from his Majesty unto them, and as they proceed in his name, whom we will also therein honour in all things, and he in them.

"We believe that no synod, classes, convocation, or assembly of ecclesiastical officers hath any power or authority at all, but as the same by the magistrate is given unto them."—*S. P. Colonial*, i. 43.

accompanied in his followers by much narrowness of mind and intolerance of spirit.

Fortunately for England, men like Selden and men like Robinson were able to work together towards a common end. In the great revolution which was approaching, it was Puritanism which was to play the part of the motive power. It was not enough that men should hold theories about liberty. What was needed was that there should be found those who were ready to dare anything and to suffer anything on behalf of Him whom they called their Lord ; men who could confront kings, as being themselves the servants of the King of kings. When such had done their work, then would come the part of the calm philosophic statesmen, of the men whose minds were directed to the study of the natural creation, rather than to the contemplation of the perfections of the Creator, and who were quick to mark the moment at which the enthusiasm of their allies blinded them to the laws of nature, or hurried them on to demand the realisation of an ideal to which the world would be unwilling to submit.

The liberal statesmen and the Puritans.

## CHAPTER XXXVII.

### THE DISSOLUTION OF THE UNION.

By the declaration which had been voted so enthusiastically on June 4, the Commons had left to the King that full liberty of action which he loved so dearly. They had also left him the responsibility of acting wisely; and, unfortunately, partly through his own fault, but still more through the faults of others, the chance that he would be able to act wisely had been considerably lessened by the events of the seven months which had elapsed since the battle of Prague.

1620. November. Germany after the battle of Prague.

Between Ferdinand and Frederick nothing but distrust was now possible. In the eyes of the Emperor his fugitive enemy was a mere disturber of the peace whose flagitious intrigues must be baffled at any cost. In the eyes of Frederick, Ferdinand was himself a pretender who had been lawfully dethroned, and who now owed his success to the armies and the gold of the King of Spain. Nor were the views with which the rivals regarded their obligations as members of the Empire less opposite to one another. Ferdinand held that, in virtue of his office, he was the guardian of the peace of the Empire, and that this peace had been broken by the invasion of his dominions, and by the illegal assumption of one of the seven Electorates. Frederick, on the other hand, held that he had no quarrel with the Emperor as such. He had merely defended against an Archduke of Austria the throne which he held by legitimate election.

Ferdinand and Frederick.

For years political controversy raged around these simple points in an interminable circle. Masses of paper wearisome to read, wearisome even to look at, were piled up by learned controversialists on either side. As each party started from premisses which were rejected by the other, both naturally failed either in convincing their contemporaries or in instructing posterity.

Views prevalent in Germany.

Regardless of such technicalities, the vast majority of German Protestants had maintained an anxious neutrality during the Bohemian war. They saw clearly that Frederick's theories involved the permanent establishment of anarchy. If the Emperor was to be nothing more than the nominal head of a federation, bereft even of the authority needed for the repression of private war amongst its members, order could never be preserved. Every prince who coveted his neighbour's lands would easily find an excuse for invading them, whilst the only authority known to the constitution would be powerless to interfere.

Yet, strong as the disposition was to rally round the Emperor, there were not wanting other considerations to lead thinking men in an opposite direction. That strict law of which Ferdinand had constituted himself the champion, was almost certain to be ruinous to the very existence of Protestantism in Germany. From declaring Frederick to be a traitor, it was but a short step to the forfeiture of his lands and dignities. If indeed Frederick, and such as Frederick, had been alone exposed to danger, the world would easily have borne the mishap. But the presence of a new Catholic Elector at the Diets and Assemblies of the Empire, could hardly fail to be attended with undesirable consequences, and it was certain that a new Catholic Lord of the Palatinate would make short work with the conscientious convictions of his subjects. The next step would be to demand the restitution of the ecclesiastical lands which had been seized since the peace of Augsburg, and to convert each regained abbey and bishopric into an outpost of Jesuitism. Even if, in respect for the letter of the law, the triumphant Emperor stopped here, every Protestant knew full well that the tide of religious aggression would

not thus be stayed. Each Protestant prince would learn that power had passed to Vienna, and that favour was to be obtained there but in one way. If he would only consent to abandon his religion, the restored ecclesiastical estates would offer bishoprics and canonries for his younger sons. Partial judges would be ready to listen with open ear to the complaints of every Catholic who had quarrelled with his neighbours. One by one, it was to be feared, the Protestant princes would drop off into the seductive arms of the Church of Rome, as the Protestant aristocracy were dropping off in France, and as Wolfgang William of Neuburg had dropped off in Germany, at the time when his claims upon the Duchy of Cleves stood in need of Catholic assistance. Each apostate in turn would carry with him the legal right of proscribing the religion which his subjects had learned to cherish, and each defection would close in more tightly the ever-narrowing circle within which Protestantism could live, and within which alone the free moral and intellectual life of the Germany of the future would be able to develope itself.

Such were the thoughts, dimly and confusedly penetrating the minds of the great majority of German Protestants. If only John George of Saxony had been capable of translating their inarticulate feelings into prompt and decisive action, he might have won himself a name second to none in the annals of his country. If he could have stood forward at the head of the Princes and people of Northern Germany, to tell the Emperor that he might deal as he pleased with Frederick, but that the frontier of Protestantism must not recede, he would have found no want of support. Unhappily he did nothing of the kind. Knowing full well the double danger of civil anarchy and ecclesiastical tyranny with which the Empire was threatened, he wavered between the two. At one time he was eager for Frederick's complete restitution. At another time he was eager to see him completely crushed, and after every disappointment, he was ready to take refuge in the solace of the hunting-field and the bottle.

Weakness of the Elector of Saxony.

That which John George might have accomplished with comparative ease, presented far greater difficulties to James.

Of course, if he pleased, he might spend any subsidies which Parliament might be willing to grant him in increasing the confusion which already weighed so heavily upon distracted Germany. But if he wished to do more than this; if he intended to interfere in the quarrel in the only way in which a foreign power can hope to interfere to any purpose, namely, by giving strength and solidity to the national will, he would have a hard task before him—a task of which more than half the difficulty arose from the impracticable temper of his son-in-law.

Difficulties in the way of James.

Unhappily for himself and for his country, Frederick was still living in that dream-land which had so long usurped the place of reality in his mind. To him the defeat on the White Hill was not the final result of years of anarchy. It was a mere accident of fortune, a military check which with a little perseverance might easily be repaired. His confident belief was still that others would be ready to do that for him which he had made no serious effort to accomplish for himself. "The hopes of the King and Queen," wrote Conway, a few days after the battle, "are that their father will do for them now, and not treat."[1]

Frederick persistently renews his claims.

On November 7 the cavalcade of fugitives took refuge in Breslau. On the 11th Frederick issued a manifesto in the form of a letter to the Princes of the Union. Silesia and Moravia, he wrote, were still true to him. Bethlen Gabor was ready to assist him to recover all that had been lost. Let them see that they too were ready to join heart and hand in his cause. If they now refused, the Emperor would soon reoccupy the ecclesiastical domains by force of arms.[2] To James he was less explicit. With English aid, he said, his affairs would soon mend. Elizabeth, as was her wont, spoke out her mind, and asked that the help promised for the Palatinate might be extended to Bohemia.[3] "I am not yet so out of heart," she wrote a fortnight afterwards

[1] Conway to Buckingham, Nov. 18, *Harl. MSS.* 1580, fol. 281.

[2] Frederick to the Princes of the Union, Nov. 11, *Theatrum Europæum*, i. 454.

[3] Frederick to the King. Elizabeth to the King, Nov. 13, *Ellis*, Ser. i. 3, 111, 112.

to her old friend Carleton, "though I confess we are in an evil estate, but that, as I hope, God will give us again the victory; for the wars are not ended with one battle, and I hope we shall have better luck in the next. The good news you write of the King my father's declaring himself for the Palatinate, I pray God they may be seconded with the same for Bohemia." [1]

Ruinous as her counsel was, it was well for her that her brave woman's heart could beat so cheerily in the midst of trouble. She was herself sent away to seek a refuge at Cüstrin to give birth to a child, the little Maurice, who was doubtless loved all the more tenderly for the gloom amidst which his stormy life began. Bad news was coming in almost every day. The Moravians, it seemed, were ready to make their peace with Ferdinand. Frederick, blind to much, could see that the ground was slipping from beneath his feet. There were those in Breslau who were already muttering that it would be better to come to terms with the Elector of Saxony.[2] Frederick's fears got the better of him. He told the Estates of Silesia that he would leave them for the present; but he would soon be back with powerful allies to support his cause. If they wished to send commissioners to treat with the Saxons, he would make no objection. Such a negotiation, he privately added to those who were in his confidence, would serve to gain time till he was able to return with an army at his back.[3] On December 23, he left Breslau for ever, not forgetting to despatch an embassy to John George to demand a cessation of arms, and to ask for assistance to drive the Emperor out of Bohemia. To this impertinence the Elector replied by a solemn lecture on the recognition which his adversary's right had received from Providence, and by a well-timed admonition to make his submission to the Emperor before it was too late.[4]

December. He leaves Silesia.

On January 12, the day before this answer was given at

[1] Elizabeth to Carleton, Nov. 27, *S. P. Holland.*

[2] Nethersole to Naunton, Dec. 4, *S. P. Germany.*

[3] Frederick to the Estates of Silesia, Dec. 12, Dec. 23, *Londorp*, ii. 237. Nethersole to Naunton, March 19, 1621, *S. P. Germany.*

[4] *Theatrum Europæum*, i. 462.

Dresden, the ban of the empire was pronounced at Vienna against Frederick and his principal followers. They were declared to have forfeited their lands and dignities, whilst the execution of the sentence was significantly entrusted to the Duke of Bavaria, who was eager to put himself, if possible, in possession of both.

1621. January. The ban pronounced against him.

As soon as the news was published, a shriek of horror arose from the whole circle of Frederick's partisans. It was only after a legal trial, they said, that the ban could lawfully be proclaimed. Ferdinand's reply was that this might well be the case in time of peace ; but it was notorious that Frederick had levied war against the Emperor, and it was no less notorious that he had not the slightest intention of submitting to any form of trial whatever. Whether Ferdinand were technically in the right or not, it is certain that legal formalities had been too often unblushingly disregarded by Frederick and his supporters to justify them in interpreting the law very strictly in their own favour.[1]

On the day on which the ban was pronounced Frederick was riding out of Cüstrin to urge the princes of Lower Saxony to take arms on his behalf.[2] Yet he had not been left altogether without a warning. Rusdorf, one of his ablest councillors, had written earnestly to dissuade him from his imprudence. The foreign powers in which he trusted, he told him, would be sure to fail him in the end. The wound in Bohemia was mortal, and no recovery was possible there. Of the Palatinate he could speak from personal experience.

Rusdorf's advice.

[1] The clause in the Capitulation which Ferdinand was said to have broken is the following one :—" Wir sollen und wollen auch fürkommen und keines Wegs gestatten dasz nun hinfüro jemand hohes oder niedriges Stands Churfürst, Fürst, oder anderer, Ursach auch unverhört, in die Acht und Oberacht gethan, bracht, oder erklärt werde ; sondern in solchem ordentlichen Proeesz, und des H. R. R. in gemeldetem 55ter Jahr reformirten Cammergerichtsordnung, und darauff erfolgter Reichs Abschied in dem gehalten und vollzogen werde, jedoch dem Beschädigten seine Gegenwehr vermög des Landfriedens unabrüchig."—Limnæus, *Capitulationes*, 591. See, for Ferdinand's view of the case, his reply to the Danish Ambassadors, *Londorp*, ii. 392.

[2] Nethersole to Naunton, Jan. 19, *S. P. Germany.*

Soldiers and officers were alike intent upon their own private aims. There was not one amongst them who believed in the goodness of the cause for which he was fighting. The country was laid desolate by its own defenders. It was to be feared that the inhabitants would, in sheer self-defence, break out into open sedition. The Union, at all events, would certainly break down as soon as it was exposed to real danger.[1]

To the truth coming from one of his own ministers Frederick could refuse to listen. To Sir Edward Villiers, who met him at Wolfenbüttel with a message from the King of England, he was unable to close his ears; for he knew well that, unless James took up his cause, there would be few indeed amongst the princes of Germany who would venture to declare in his favour.

Mission of Sir E. Villiers.

Frederick listened to Villiers, and announced in a letter to his father-in-law the result of his conversation. "Whatever has been done," he wrote, "proceeded from a good intention. If it had pleased God to grant me success, the whole party of the religion would have been relieved; but since this has not been the will of God, it is for me to take the good and the evil at His hand; and although I hoped, with His aid, and with the assistance of your Majesty and the other princes and states of the religion, to regain what I had lost, holding still, as I do, Silesia and several towns in Bohemia yet, seeing by your letter that you incline rather to an accommodation I am ready to follow your good counsels and commands."[2]

Frederick's promises.

Even if Frederick had meant what he said, there was a studied vagueness about his language which augured ill for the success of James's negotiations. But the truth was, that the engagement thus wrung from him was no indication of his real intentions. Two days after his promise had been given to his father-in-law he wrote to Mansfeld to assure him that he would never surrender his kingdom

February. His letter to Mansfeld.

[1] Rusdorf, *Consilia et Negotia*, 8. The same desponding feeling is to be traced in the letters of Camerarius. Söltl, *Religionskrieg*, iii. 105–115.

[2] Frederick to the King, Jan. 31, *Harl. MSS.* 1583, fol. 219.

of Bohemia. He had justice on his side, and he would soon win back all that he had lost.[1]

Frederick was, within the limitations of his own narrow mind, thoroughly consistent with himself. Utterly to destroy the German branch of the House of Austria ; to convert the Empire into a federation of independent princes, amongst which the stronger would find no restrictions upon their desire to prey upon their weaker neighbours ; and to establish the supremacy of Protestantism, and especially of its Calvinistic form, by force of arms, were the objects at which his father had aimed, and to the attainment of which, with such reservations as sufficed to conceal from his own mind the iniquity of his proceedings, he had himself directed his course.

No doubt there are higher rights than those of kings and emperors. No doubt injustice receives no consecration from the successful efforts of pikemen and musketeers. But what Frederick forgot was that his enemies were not confined to those who looked for inspiration to Munich and Vienna. He had alienated his own allies ; he had converted the lukewarm into hostile antagonists ; he had dragged in the dust the great cause of German Protestantism. Prudent politicians stood aloof from his rash and impatient violence ; sober and religious men shrank from accepting the advocacy of a champion whose victory would have destroyed much and founded nothing. Whilst Frederick was imagining that he had only to contend with the armies of Ferdinand and Maximilian, he had in reality a far harder battle to fight ; for he had to convince his fellow-Protestants that he could protect their religious independence without converting Germany into a den of thieves.

Meanwhile the King of Denmark and the other princes of the Lower Saxon Circle were assembled at Segeberg to listen to Frederick's proposals. The selfish and unprincipled Christian IV. thought of little else than the retention of the secularised Church property which he had got into his possession, and he was shrewd enough to perceive how the settlement of that question had been retarded

The Assembly of Segeberg.

[1] Frederick to Mansfeld, Feb. 2, *Londorp*, ii. 377.

by Frederick's proceedings in Bohemia. "Who advised you," he called out savagely to the fugitive Prince, "to drive out kings and to seize kingdoms. If your counsellors did so, they were scoundrels." He then told him plainly, as Villiers had told him before, that, if he wanted help, he must submit to the Emperor. When he had done that, he might expect aid to drive Spinola from the Palatinate.

A day or two after this scene, Christian had cooled down. Frederick, ostensibly at least, consented to give up his claims to Bohemia, and was informed in return that a Danish embassy would be sent to ask for peace at Vienna. If that failed, the princes of Lower Saxony would not desert him.[1]

Anstruther's mission.

Before the assembly broke up, Sir Robert Anstruther arrived from England. He had come to ask Christian for a fresh loan of 25,000*l.*, of which 5,000*l.* were to be at once repaid as interest due upon the loan of the preceding summer, whilst the remainder was to be made over to Elizabeth as a present from her father. Anstruther found that the King of Denmark had little faith in the success of the proposed embassy to Vienna, and that he was looking forward to a campaign on the Rhine in conjunction with England and the Netherlands. "By God," he said, laying his hand familiarly on the ambassador's shoulder as he spoke, "this business is gone too far to think it can be redressed with words only. I thank God we hope, with the help of his Majesty of Great Britain and the rest of our friends, to give unto the Count Palatine good conditions. If ever we do any good for the liberty of Germany and religion it is now time."[2]

After some weeks' delay Anstruther obtained his money,[3] and the 20,000*l.* was duly paid over to Elizabeth.

From Segeberg Frederick set out for the Hague,[4] where the Prince of Orange was waiting to receive him with open arms.

[1] Müller, *Forschungen*, iii. 468.

[2] Anstruther to Calvert, March 10, *S. P. Denmark.* The expressions given are taken from different parts of a long harangue.

[3] Slange, *Gesch. Christians IV.* iii. 170.

[4] Carleton to Nethersole, March 5. Carleton to Calvert, March 8, *S. P. Holland.*

It was not what his father-in-law would have wished. James had charged Villiers to recommend him to betake himself at once to the Palatinate, and had sent orders to Carleton to prevent him from coming to England.[1] This advice, though doubtless in part inspired by fear lest Frederick should place himself at the head of the Parliamentary opposition, was probably, but for Frederick's own weakness of character, the best that could be given. In Holland the exile would be breathing an atmosphere of war; in England he would be far removed from the scene of action. At Heidelberg his presence would have served to keep his subjects in heart in their hour of trial, and would have given emphasis to his assertions that he had ceased to seek for anything beyond the preservation of his own domains.[2]

March. Villiers advises Frederick to go to the Palatinate.

Frederick's reply to Villiers' proposition was not encouraging to those who wished well to his cause. He must first, he said, go to the Hague, that he might place his wife and children in a place of safety. He would then be ready to return to the Palatinate, "so that his Majesty may be speedily assisted with a good army either of his Majesty of Great Britain or of the States, that he may be able to bring with him some comfort and ease to his subjects who languish in expectation thereof. For, if he should go otherwise, and in his own person only, that would get his Majesty very little reputation, and would encourage the Marquis Spinola to assail the Palatinate so much the more earnestly, and to send his Majesty back thither whence he came with shame enough to himself and to all them to whom his Majesty hath the honour to be so nearly allied. And withal, if his Majesty should go in that manner, the Princes of the Union would retire themselves every one to his own house, leaving the defence of the Palatinate, and the charge of the army, upon his Majesty's hands, which would undoubtedly cause the total ruin and subversion

Frederick's reply.

[1] The King to Carleton, Jan. 25. Calvert to Carleton, March 1, *S. P. Holland.*

[2] It is curious that the Dutch, for opposite reasons, did not wish him to visit England. "We do not think," wrote Carleton, "the King will discountenance his affairs in Germany by crossing the seas."

of all his Majesty's estates and of his person, and would make him at once lose all his friends and allies. Which considerations being of consequence, his Majesty doth promise himself that his Majesty of Great Britain, examining them maturely, will not only approve them, but also esteem this his retreat into the Low Countries to be good and necessary ; and favour him so much with his forces that he may return into the Palatinate, not only with reputation, but with some good effect, by God's help, as he doth most humbly beseech his Majesty, promising himself that such a resolution would serve for an example, not only to the Union, but also to the King of Denmark, the States, and others, to take a good and a vigorous resolution together, which is very necessary for all those that have made a separation from the Papacy." [1]

Frederick, it would seem, was Frederick still. No man could be more eager to summon armies from the ends of the earth to fight in his cause. No man could be more unable to define satisfactorily what the cause was for which he wanted them to fight. From a proposal that he should place himself at the head of the troops of the Union, he shrank as he would have shrunk from the plague. It would endanger his reputation. It would encourage his enemies to assail him more bitterly. If Ferdinand had reasoned thus when Thurn was thundering at the gates of Vienna, Frederick would still have been in comfortable enjoyment of the delights of Bohemian royalty.

Whatever may be thought of the advice given by James to Frederick, nothing but sheer timidity can account for his behaviour to Elizabeth. During her journey from Cüstrin she had allowed it to be understood that she wished to take refuge with her father.[2] James was struck with alarm. He had enough to do to keep the war party in check, and he could not bear to think that his daughter's win-

Elizabeth forbidden to visit England.

[1] The paper is at the end of the February bundle of the Holland State Papers. It is without a date, but is in Nethersole's hand. As Nethersole was in the train of Elizabeth, I suppose the answer must have been given about the middle of March.

[2] Carleton to Calvert, March 8, *S. P. Holland.*

ning smiles would be placed in the balance against him.[1] Carleton was therefore told that the journey must be stopped at all hazards.[2] It is probable that some intimation of her father's repugnance to her visit was conveyed to Elizabeth by her friends; for her language suddenly changed, and she now declared positively that nothing on earth would induce her to cross the sea to England.[3]

Frederick at the Hague.

On April 4, escorted by a convoy of Dutch soldiers, the King of Bohemia, as he still persisted in calling himself, rode into the Hague. He was received with all honour. The Prince of Orange placed his own house at Breda at his disposal; and in the town itself, the mansion of Count Frederick Henry was assigned to him as a residence.[4]

Policy of James.

Wise intervention in German affairs was evidently not so easy as the majority of Englishmen supposed. But, in the main, James's policy was undoubtedly the right one. To compel Frederick to renounce the crown of Bohemia, and at the same time to form an alliance strong enough to defend the Palatinate, was the only combination which offered a prospect of success. As usual, it was in the execution rather than in the conception that James's arrangements broke down utterly. He ought to have forced his son-in-law to notify to the world by a renunciation of the Bohemian crown that he was ready to conform to the conditions under which alone he could hope to maintain his hereditary domains. He ought to have made such preparations for war as would have convinced friends and enemies that now at last he was in earnest. Instead of this he allowed the weeks to slip away, leaving everything to chance, and to the evil designs of men

[1] Tillières' despatch, March $\frac{10}{20}$, *Raumer*, ii. 308.

[2] The King to Carleton, March 13, *S. P. Holland.*

[3] Nethersole to Carleton, March 24, *ibid.* Amongst these State Papers, there is a note, in the handwriting of one of Sir J. Williamson's clerks, stating that James had invited her and her husband to England. This may have been taken from some letter now lost, but in the face of the despatches just quoted, I cannot accept it as a true account of the case, unless, indeed, on the unlikely supposition that an invitation was given earlier and then retracted.

[4] *Theatrum Europæum*, i. 508.

who wished for their own selfish purposes to see the prolongation of the war.

Amongst these, contrary to the general belief in England, the Spanish Ministry was not to be reckoned. Early in January, Philip, or those who acted in his name, had expressed to the Archduke Albert the anxiety with which the continuance of hostilities was regarded at Madrid. Perhaps, wrote Philip, he might obtain repayment of his expenses by means of the confiscations in Bohemia. Perhaps a contribution might be levied in the Palatinate itself. At any rate, it would be impossible for him long to continue to bear this intolerable burden. As for the Elector Palatine, if he was to be restored, he must renounce the crown of Bohemia, and must forsake the Protestant Union. Care must be taken to restrain the Duke of Bavaria from pressing his claims to the Electorate. Perhaps the difficulty might be arranged by allowing the two families an alternative voice in the College.[1] When such were the opinions of the King of Spain, expressed not in formal diplomatic language, but in private and confidential intercourse, it can hardly admit of a doubt that if Frederick had really given up the shadow of the Bohemian crown, and had offered guarantees for his peaceable behaviour in future, he might have had anything else that he could reasonably ask for. Philip's poverty, if not his will, would have given consent.

Desire of Spain for peace.

January.

The burden of James's inertness fell heavily upon Morton, who presented himself in the beginning of February before the Assembly of the Union at Heilbronn, having brought with him 30,000*l.*, and a few vague promises. He was told that the struggle could not be continued on these conditions. It was true that the ban against Frederick was illegal, and they had sent an ambassador to Vienna to remonstrate against it. But they had no money left. The towns were falling off from the cause. The troops were melting away, and no more than 11,000 men were still under arms. They

February. Morton at Heilbronn.

[1] Philip III. to the Archduke, Jan. $\frac{9}{19}$; Philip III. to Oñate, Jan. $\frac{9}{19}$, Feb. 26 March 8, *Brussels MSS.*

hoped, therefore, that the States would send them a force of 6,000 men, and James would allow them 30,000*l.* a month till he was prepared to do something more.[1]

By James the demand thus made was received with complete indifference. His preparations for war had been limited to an order to increase the stock of arms in the Tower, and to an inquiry made through Carleton as to the possibility of procuring in Holland the equipments of an army of 10,000 or 12,000 men.[2]

Very different were the feelings of the Dutch statesmen, by whom the whole chart of continental politics was not unnaturally regarded through the medium of their own quarrel with Spain. In January, the States-General had sent over to England a body of commissioners charged to express their views. The truce with Spain, they said, would be at an end in April, and for them at least war was inevitable. Germany and the Protestant religion were in the utmost danger, and they wished to know what were the intentions of the King of England.

January. Dutch Commissioners in England.

From such categorical demands James was always anxious to escape. In his distress he caught at the excuse afforded him by the state of affairs in the East. Though the treaty of 1619 had been accepted by the Dutch authorities in those seas, differences of opinion had arisen upon the interpretation of some of its clauses. There was one dispute as to the right of the Dutch to erect a fort at Batavia. There was another dispute about the value of the captured goods to be restored. The English Company had sent commissioners to Amsterdam, but no satisfaction could be had. James, accordingly, instead of giving a plain answer to the plain question put to him, rated the Dutchmen soundly for having nothing to say upon these points, or upon the equally difficult question of the herring fishery.

Reply of James.

In despair, the Commissioners applied to Buckingham.

[1] Morton's Proposition. Memorial delivered to Morton, *S. P. Germany.*

[2] Caron to the States-General, Jan. 11, *Add. MSS.* 17,677 K. fol. 91. Calvert to Carleton, Feb. 17, *S. P. Holland.*

He listened to their complaints, but, according to their report, he did not seem to know much about the affairs of Germany. The King, he said, was ready to risk his own life, and the life of his son, in the defence of the Palatinate; but there was no hurry about the matter. "In fact," he concluded by saying, "the Palatinate is by this time pretty well lost. When a good opportunity arrives, the King will try to recover it." Such was the tone in which Buckingham allowed himself to speak of a question upon which depended the peace of Europe for a generation.

February. They apply to Buckingham.

Once more the Commissioners turned to the King. They assured him that the States were ready to do their utmost in the defence of the Palatinate, and they begged James to support them by a diversion in Flanders, an operation which they represented as certain to be followed by the recall of Spinola from Germany.[1] The same advice was repeated at the Hague, with even more distinct emphasis, by the Prince of Orange, in a conversation with Carleton.[2]

The King's final answer.

To Maurice, James did not vouchsafe an answer. To the Commissioners he replied with studied rudeness. He informed them that he had nothing to say to them about the truce, as they understood their own affairs better than he did. As soon as they had obtained full powers to treat about the herring fishery, and other matters of the kind, he would be ready to give them information as to his intentions respecting the Palatinate.[3]

James's refusal to state his intentions was wholly unjustifiable, but he was probably right in regarding with suspicion the counsels of men who had so deep an interest in the prolongation of the war in Germany, as they were themselves likely to be engaged before long in hostilities with Spain. In April the truce of Antwerp would have run its course, and it was no secret that the Spaniards intended, if possible, to wring from the Dutch the abandon-

The expiration of the truce in the Netherlands.

[1] Report of the Dutch Commissioners, *Add. MSS.* 22,863, fol. 1–88.

[2] Carleton to Calvert, Feb. 26, *S. P. Holland.*

[3] Answer of the Privy Council, $\frac{\text{Feb. } 21}{\text{March } 3}$, *Add. MSS.* 22,863, fol. 103.

ment of the East India trade, the opening of the Scheldt, and a guarantee of liberty of worship to the Roman Catholics as the price of its renewal. In the meanwhile, Maurice, fearing lest the inland provinces, which had less immediate interest than Holland and Zealand in the commerce of the Republic, might prove lukewarm when the time of temptation came, was casting about for the best means of defeating the machinations of his ancient enemy. Unexpectedly, the very opportunity which he sought was brought within his reach. There was a certain Madame Tserclaes, an elderly lady, living at Brussels, who had been frequently employed in conveying secret political messages across the frontier. This time she was directed to seek out Maurice himself, and to win him over, if possible, to second the designs of the King of Spain. In the proposal Maurice saw nothing but an attempt upon his fidelity to the Republic, and determining to meet guile with guile, he assured his visitor that he longed for nothing more than a complete reconciliation with Philip. The unexpected news was at once carried to Brussels, and was transmitted without delay to Madrid. The bait was eagerly taken. Madame Tserclaes spent her whole time during the winter months in passing backwards and forwards between Brussels and the Hague. Maurice redoubled his professions of devotion to the King of Spain, and engaged to do all in his power to induce the States to return to their allegiance. Under other circumstances it is possible that his language might have been regarded with suspicion even by Spaniards, slow as they usually were to detect imposture when covered by profuse declarations of devotion to the puppet sovereign who nominally ruled them. Since the Arminian troubles they had been accustomed to take for granted the extreme weakness of the Republic, and they seem to have imagined that Maurice was only using common prudence in attempting to escape from the ruin of a falling house.[1]

Intrigues of the Prince of Orange.

[1] The evidence of all this is contained in a series of letters, too numerous to quote separately, in the Spanish correspondence of the Archduke with Philip III. in the Brussels Archives. They are spread over the whole of the winter months.

The consequences of the implicit faith now placed at Madrid in the Prince of Orange were not long in showing themselves. On March 8, it was announced that Pecquius, the Chancellor of Brabant, would shortly arrive at the Hague with a proposition from the Archdukes. Immediately it was seen that Maurice was right in foreseeing a division in the counsels of the Republic. The deputies of Holland and Zealand urged that not even bare civility should be shown to the ambassador. The other five provinces were in favour of exhausting all honourable means before the prospect of a renewal of the truce was finally abandoned. Maurice, whose word on such a question was law, gave his voice in favour of the reception of the ambassador with all due respect. At the same time he took care to raise expectation, by spreading the most favourable rumours of the probable issue of the negotiation. Madame Tserclaes, he gave out, had assured him that not only would peace be secured to the Netherlands, but that all reasonable satisfaction would be given with regard to the Palatinate.[1]

March. Pecquius at the Hague.

On the 12th Pecquius arrived. The next day he was admitted to the Assembly of the States-General. To the utter consternation of all but the one man who held the thread of the intrigue, the ambassador made a formal demand that the Provinces should return to their allegiance. To such words there could be but one reply. Pecquius was ordered to leave the territory of the Republic without delay.[2]

Maurice had gained his end. The insult was resented equally by Calvinist and Arminian, by the seamen of Holland and the farmers of Utrecht. The Archduke had supposed that if his first proposition were rejected, there would be time to negotiate upon a fresh basis.[3] He now found that he had roused a spirit which made all negotiation impossible. The renewal of hostilities followed almost immediately.

Renewal of the war.

[1] Carleton to Calvert, March 8, 10, 13, *S. P. Holland.*

[2] Aitzema, *Saken van Staet en Oorlog*, i. 36.

[3] The Archduke Albert to Philip III $\frac{\text{Feb. 20}}{\text{March 2}}$, *Brussels MSS.*

Thoroughly as the Spanish ministers had been duped, it was not for men whose whole diplomacy was one vast network of intrigue, to complain of the wrong which they had received. Nor, to do them justice, did they show any signs of vexation. When, on March 7, just as Pecquius was starting for the Hague, Digby arrived at Brussels on a preliminary mission before setting off to negotiate peace at Vienna, he met with a cordial reception. He came to ask for a suspension of arms in the Palatinate. The King of Spain, he was told, would not be unwilling to restore the Palatinate, if he could be assured that James would "contribute all good offices of perfect amity and alliance, and particularly not more to esteem the friendship of the Hollanders than his."[1] To this Digby, who wanted to bring the Dutch to commercial concessions through fear of Spain, and the Spaniards to political concessions through fear of Holland, raised no objection. He was then informed that the Archduke would give his good word on behalf of Frederick's re-establishment in the Palatinate, and would order Spinola to make arrangements for a suspension of arms. Digby accordingly returned to London under the impression that the Court of Brussels was "very desirous and ready to give satisfaction."[2] Nor was he mistaken. For the Archduke had just written to assure Philip that he had been well satisfied with the prospect of a pacification opened by Digby, as Spinola's troops would now be wanted nearer home.[3]

Digby's mission to Brussels.

On March 21, the very day on which this letter was written, the sovereign to whom it was addressed, breathed his last at Madrid.[4] Soon it was rumoured that whilst he was on his deathbed, words of no light import had fallen from his lips. The Infanta had been summoned to her father's presence. "Maria," he said, "I am sorry that I must die before I have married you; but your brother will take care

Death of Philip III.

[1] Digby to Buckingham, March 14, *Clarendon State Papers*, i. App. i.

[2] Digby to Carleton, March 23. Answer of the Archdukes, $\frac{\text{March } 24}{\text{April } 3}$, *S. P. Flanders.*

[3] The Archduke Albert to Philip III. March $\frac{21}{31}$, *Brussels MSS.*

[4] Aston to Calvert, March $\frac{21}{31}$, *S. P. Spain.*

of that." He then turned to his son. "Prince," he added, "do not forsake her till you have made her an empress."[1] The calculations and intrigues of so many years had been wiped away by the approach of death. The promise which he had given, six months before, to Khevenhüller, that his daughter should become the wife of the Archduke Ferdinand, the future Emperor Ferdinand III., had alone branded itself upon his memory.[2]

Philip IV.

The new King, Philip IV., was a mere lad. Unlike his father, he took delight in bodily exercises. His chief pleasure was in the hunting-field. For politics he cared little or nothing, leaving all matters of state to those who understood them, whilst he was intent upon the higher work of keeping himself amused. The favourite companion of his pleasures was the Count of Olivares, and it was soon known that the whole stream of honours and promotions would flow through that channel. Affairs of state were committed to Balthazar de Zuñiga, the uncle of the new favourite, a man of ability and integrity, who had formerly served as ambassador at the Imperial Court, and who was inclined from principle to do all that could be done safely to advance the power of the House of Austria and the Church of Rome.

April. Aston receives friendly assurances.

Under these circumstances James naturally conceived some anxiety, and directed Aston to inquire what were the intentions of the young king. The ambassador was met with overwhelming assurances of good-will, and was told that whatever the late sovereign might have said, Philip IV. was most anxious to go on vigorously with the marriage treaty.[3]

Undoubtedly no one but James would have been likely to accept these profuse expressions of good-will as conveying the real feeling of the Spanish ministers. To a more cautious politician, they would not have been without their use. Taken in connection with the circumstances in which the Spanish monarchy was placed, they would at least have served as indica-

[1] *Cabala*, 223.

[2] See Vol. III. p. 377.

[3] Aston to the King, April 14, *Harl. MSS.* 1580, fol. 8; *Francisco de Jesus*, 32.

tions of the value which was placed at Madrid upon the friendship of the King of England. In truth it was in Protestant Germany far more than in Spain that the dangers were to be found upon which James's mediation was likely to be wrecked. Frederick's obstinate retention of the royal title on the one hand, and the menaces of Spinola on the other, were beginning to produce their natural effect upon the Union. The ardent Landgrave of Hesse Cassel had been compelled to keep the peace by his own subjects, who would not hear of his making war against the Emperor. The cities were the next to give way. They had entered the Union in order to defend themselves and their religion against aggression, and they had no idea of following Frederick in a crusade against the Emperor, in which, to them at least, success or defeat would be equally ruinous. Without the money and supplies which the towns alone were able to furnish, the Princes saw no prospect of being able to carry on the war; and on April 2, a treaty was signed at Mentz, by which they engaged to withdraw their troops from the Palatinate, and to dissolve the tie by which their Union had been formed. On the other hand, Spinola agreed to suspend hostilities till May 4, and this concession was expressly declared to have been granted at the request of the King of England.[1]

The dissolution of the Union.

Such was the ignominious end of the alliance which, under better guidance, might have served as the advanced guard of Protestantism in Germany. Many were the gibes, written and spoken, which were circulated at the expense of that now contemptible body. Yet, if all that is known by us had been known to contemporaries, they would have been less ready to find fault with the leaders of the Union when they abandoned what had become a hopelessly impracticable task, than when they turned aside from their ostensible object—the defence of German Protestantism—to extract from the pockets of peace-loving and orderly citizens the means of carrying on an aggressive and revolutionary policy.

The dissolution of the Union would not have been without

[1] *Häberlin*, xxv. 32; *Londorp*, ii. 382.

its good effects if Frederick had been induced by it to reconsider his own position. No doubt as long as he contented himself with fixing his eyes merely upon the enemy's proceedings, there was every reason to induce him to persist in his opposition; for we may well believe that it was something more than personal vanity which made him loth to surrender the crown of Bohemia. The cause of his fellow-Protestants, whose interests he had striven to serve after his blind, ignorant fashion, was still at stake. If he did not re-appear to save them, his trustiest supporters would soon be hurried to the scaffold, and the clergy who had besieged the gates of heaven with prayers for his success would be thrust forth into poverty and exile. Nor was the position of Protestantism in the Empire free from danger. It was now well known that the Emperor intended to convoke an assembly of German princes to meet at Ratisbon, and it was generally believed that he would ask them to sanction the transference of Frederick's electorate to the Duke of Bavaria. Yet if Frederick really wished to prevent this unhappy consummation, he ought to have been aware that, without assistance from his countrymen, he was powerless to effect his purposes. From one end of Germany to another, wherever public opinion had found a voice to express it, a steady determination had been manifested to remain faithful to the Emperor. On this point, the burghers of Strasburg and Ulm were of one mind with the Elector of Saxony, and with the knightly vassals of the Landgrave of Hesse-Cassel. In the institutions of the Empire they all saw the only remaining barrier against anarchy, the only possible guarantee that disputes between the States would be decided by some sort of law, and not by the sword.[1] If Frederick could satisfy this feeling, he might yet hope to stand at the head of a powerful party of his countrymen. If he could not, there was nothing left for him but to become the tool of

May. Frederick persists in opposition.

[1] Watchwords are not worth much as an indication of purpose; but they point to the state of feeling in the public to which the appeal is made. It is, therefore, worth noticing that whereas "Die Deutsche Libertät" is the often-recurring formula in the State papers of one party; "Die Liebe Justitia" is its correlative on the other side.

foreign nations, who saw with delight whatever misery afforded them a prospect of weakening the strength of Germany.

How ready a strong force would have been to rally round him, is nowhere more apparent than in the reception accorded by members of the Imperial party to Ferdinand's proposition for the transference of the Electorate. Amongst the Catholic prelates, there was none who had stronger personal reasons for desiring the overthrow of the great Calvinist prince, whose territories bordered so closely on his own, than the Elector of Mentz. Yet the first hint that the scheme had been seriously entertained at Vienna was sufficient to fill him with alarm. He wrote at once to Ferdinand to implore him to desist from so rash an enterprise. It would, he said, be certain to throw into the arms of Frederick many of those who had hitherto held aloof. The Elector of Treves expressed himself in almost similar terms. Oñate, speaking on behalf of the King of Spain, was as decided in his opposition; and John George of Saxony began to talk of the infringement of the Golden Bull, which would be the result if the Emperor's intentions were carried out. Even Ferdinand's own council recommended at least the postponement of the measure.[1] It needed two years of bitter experience to convince these men that Frederick was indeed incorrigible, and that neither peace nor order was possible so long as he was allowed to set foot within the limits of the Empire.

Proposal for the transference of the Electorate.

Meanwhile, a few weeks after his arrival at the Hague, Frederick issued a manifesto, in which he made known his intentions to his countrymen, and demanded that a general amnesty should precede the meeting of the Assembly at Ratisbon. The difference between the amnesty which he thus demanded, and the submission for which the Emperor asked, may seem but slight. Yet in reality it contained within its limits the whole matter in dispute. For submission implied that civil war between the states was a wrong done to the Emperor, whilst an amnesty implied simply that peace had been made between contending parties. In other

Frederick's manifesto.

[1] Hurter, *Gesch. Ferdinands II.* ix. 155.

words, Ferdinand and Frederick were divided on the important question, whether the Empire were a reality or a fiction.[1]

Of any readiness to sacrifice himself for the public good, not a trace is to be found in Frederick's manifesto. Nor is this to be wondered at, for he had recently sent Nethersole to England, to beg for speedy aid for the defence of the Palatinate; and he had directed him to suggest that when he renounced his own claims to Bohemia, he should be allowed to reserve those of his son, who had been elected as his successor during his occupation of the throne, and to ask that he might not be required to promise to abstain from fresh attacks upon the House of Austria.[2]

Nethersole's mission to England.

Infatuated as was Frederick's notion of fighting his battle without winning the moral sympathies of his countrymen, there was equal infatuation in James's belief that the conflict could be allayed by words alone. He had already obtained from the Archduke a prolongation of the truce in the Palatinate, and, in addition to the money which he had borrowed from the King of Denmark, he now sent to his son-in-law a present of 20,000*l.*[3] But here his active interference stopped. Long afterwards, Christian IV. bitterly complained that James had blamed his warlike preparations as a hindrance to the success of the English negotiations, and that he had been driven to disband his forces by the coldness with which his overtures had been received in London.[4] In the meantime not the slightest effort was made to secure the co-operation of the Elector of Saxony, though his policy was almost identical with that which James was now pursuing.

Proceedings of James.

[1] Frederick to the Electors, May $\frac{1}{11}$, *Londorp*, ii. 444.

[2] "His Majesty of Bohemia may happily find it strange that, in setting down the heads of my proposition, I have wholly omitted a very principal part of one of them, and maimed another; to wit, the demanding whether his Majesty should renounce the crown of Bohemia in the name of his children as well as his own, and his desiring not to be obliged never hereafter to attempt anything against the House of Austria."—Nethersole to Carleton, May 2, *S. P. Holland.*

[3] The King to Frederick, April 16 (?), *Add. MSS.* 12,485, fol. 69.

[4] Answer of Christian IV. to Dohna, *Londorp*, ii. 608. Christian IV. to Frederick, May 2, *S. P. Germany.*

Yet, sluggish as he was, so clearly were James's ideas in accordance with the public opinion of Germany, that it is not improbable that if he had had to deal with nothing more dangerous than the intemperate language of his son-in-law, he would have been able to effect something by his mediation. Unfortunately this was not the case. In his obstinate belief that nothing could be done excepting by the sword, Frederick had been drawing more closely the bonds which united him to the man who was certain to bring his cause into greater disrepute than any folly of which he was himself capable.

Character of Mansfeld.

Ernest Count of Mansfeld was a soldier of fortune. Utterly deficient in those moral qualities which contribute so much to the character of a great general, he was never willing to subordinate his own interests to the public good. There is nothing which goes so far as the power of self-abnegation to make a commander of the first class. He must bear to be misrepresented and traduced, and be ready to work in harmony with, or even in subordination to, men whose behaviour is most distasteful to him. He must form no schemes, however glorious, which he does not believe himself capable of carrying into execution. He must be ready to relinquish the most assured success, if he sees that it will stand in the way of the ultimate interests of the cause for which he is fighting. Of all this Mansfeld knew nothing. He was capable of forming the most brilliant conceptions, but he was equally capable of forgetting all about them before a week was over. In the field, he was fertile in resources and daring in action; but personal animosities easily turned him aside, and the mere lack of an intelligent interest in the cause to which he had given his adhesion, made him blindly pass over opportunities which would at once have been appreciated by a general whose heart was in his work.

His behaviour in the Bohemian war.

During the first months of his career in Bohemia, indeed, he had shown the qualities of an active and serviceable officer. His capture of the strong fortress of Pilsen was the only real success of the Bohemian armies, and so long as his troops were paid, he had maintained tolerable discipline. The time, however, soon came when all

attempts on the part of the Bohemian Directors to find money and provisions for their armies ceased entirely, and Mansfeld's men were driven to supply themselves by plunder.

If, indeed, nothing more could be said against Mansfeld than that his men were guilty of abominable excesses, it would be unjust to blame him for evils which he was unable to prevent. In those terrible years, no army marched into the field without perpetrating horrors which in our day even the most depraved outcasts could not look upon without a shudder. Liable to dismissal at any moment, the soldier thought it no shame to transfer his services from one side to the other with reckless impartiality. No tie of nationality kept him faithful to the cause which he happened to be serving for the moment, and against which he might be fighting to-morrow. Even military pride, which has sometimes been known almost to replace that lofty and patriotic feeling, was wanting to him. He knew that he had sold himself, body and soul, to his hirer for the time being and according to the law of our nature all other vices followed in the train of that last degradation of which man is capable. In those camps robbery, cruelty, and lust reigned supreme. Smiling fields and pleasant villages were made hideous by their presence. Blazing farmsteads marked the track of their march, and the air was tainted by the mouldering corpses, not of armed men, but of helpless peasants—of tender babes and of delicate women, fortunate if they had escaped by the sharp remedy of the sword a fate more horrible still.

Soldiers of the Thirty Years' War.

With an army composed of such materials, a general's only chance of maintaining even a shadow of discipline lies in the power of furnishing his troops with regular pay and regular supplies. This, however, was what Mansfeld was unable to do. After his defeat by Bucquoi, in the summer of 1619, he had been at bitter feud with the Bohemian magnates, whom he accused of deserting him in the hour of danger. The revolutionary leaders had little money to spare for their own troops, and none at all for Mansfeld's. He had consequently held aloof at Pilsen during the campaign of 1620, had entered into separate negotiations with the Im-

Mansfeld's subsequent conduct.

perialists, and had probably by his inaction contributed more than anyone else to the disaster of the White Hill. Since the great defeat he had offered his sword to the highest bidder. Whilst he was imposing upon Frederick by solemn speeches about his loyalty to his king, and his fidelity to the Protestant religion, he was offering to transfer his services to his old master, the Duke of Savoy,[1] and was assuring the Elector of Saxony that if he still held some towns in Bohemia in Frederick's name, it was merely that he might have in his hands a pledge for the payment of the arrears due to himself and his men.[2] At the same time he was attracting fresh troops to his standard by promising to allow them free liberty of plunder to their hearts' content.[3]

Comparison between him and other generals.

The difference between Mansfeld and other generals of the time was, not that his troops were more degraded than theirs, but that he erected into a system that which with them was an evil which they were powerless altogether to control. It would be difficult to say whether the wretched Bohemian peasants suffered most from Bucquoi's Hungarians or from Mansfeld's troopers. There was, however, no doubt that Bucquoi, serving a regular Government, and acting with a distinct military object, would disband his troops as soon as that object was attained, but with Mansfeld there was no such hope. To him it mattered little whether he were victorious or defeated. All he needed was to roam about from one district to another, plundering and destroying as he went. Every German territory would have to learn that it was liable to attack, not in proportion to the good or evil which it had done to one side or the other, but in proportion to the fatness of its pastures, the comfort of its peasants, and the wealth of its citizens.

He is appointed general by Frederick.

Such was the man who was formally appointed by Frederick to the command of his armies in Bohemia. That land had been already pillaged too thoroughly to make it a safe basis of operations for an army led on

[1] Mansfeld's proposal, *S. P. Savoy.*

[2] Mansfeld to the Elector of Saxony, Müller, *Forschungen*, ii. 60.

[3] Müller, *Forschungen*, ii. 43.

these principles. One post after another surrendered to the Imperialists. Pilsen itself was sold by its own garrison during the temporary absence of Mansfeld.[1] By the end of April, Tabor and Wittingau alone remained in his hands; and he was himself driven to take refuge in the Upper Palatinate.

Mansfeld at Waidhausen.

The question of Frederick's immediate abdication of the Bohemian crown was therefore no mere point of diplomatic propriety. With such a commander still holding two fortified positions in the country, every day that he retained his claim brought with it a fresh provocation to war. It was impossible for Ferdinand, in spite of his past successes, to feel any confidence for the future. The standard raised in Frederick's name was, in reality, a standard of brigandage. The dissolution of the army of the Union had come in time to supply Mansfeld with throngs of fresh recruits, and, before the end of May, a force of sixteen thousand men, without a country or resources of their own, hung like a dark cloud amongst the forest-clad defiles which command the passes from the Upper Palatinate into Bohemia.

His intentions.

To Frederick, Mansfeld represented himself as only anxious to stand on the defensive, but there were few who believed in the sincerity of his professions. Even in Protestant lands it was looked upon as certain that he was meditating a vast aggressive movement. The only doubt expressed was whether the blow would fall upon Bavaria or Bohemia.[2] Nor did he himself make any secret that he did not consider himself bound to remain within the hereditary dominions of his master. In forwarding to the Bavarian commander an extract from a letter in which Frederick had directed him to conclude, if possible, a suspension of arms in the Upper Palatinate, he requested that the towns which still held out in Bohemia might be included in the armistice, and threatened that in case of refusal he should proceed to relieve them by force of arms.[3]

[1] *Khevenhüller*, ix. 1304

[2] Carpenter to Calvert, June 10. 17, 23, July 1, *S. P. Germany.*

[3] Extract from a letter from Frederick to Mansfeld. Mansfeld to Tilly, May $\frac{16}{26}$, Uetterodt, *Ernst Graf zu Mansfeld*, 746.

Such a demand was of course regarded as totally inadmissible, and both sides prepared for war.[1] In the meanwhile the unhappy inhabitants of the Upper Palatinate had to suffer from the unwelcome presence of their protectors.[2]

[1] This refusal is perpetually referred to in Frederick's letters as a grievous wrong.

[2] "Der üble Zustand in der Oberpfalz ist nicht zu schildern. Das Mansfeldische Kriegsvolk haust übel." Camerarius to Solms, May $\frac{17}{27}$, Söltl, *Religionskrieg*, iii. 129. Printed "Unterpfalz," by an evident error, as Onno Klopp has already pointed out.

## CHAPTER XXXVIII.

### LORD DIGBY'S MISSION TO VIENNA.

In May 1621, after a ruinous delay of months, Digby at last prepared to leave England. The instructions which he carried with him were drawn up in a manly and self-reliant strain, which stood in marked contrast with the hopeful self-confidence stamped on every line of those which had been prepared two years before for the guidance of Doncaster. If internal evidence be worth anything, it leads to the conclusion that the paper had been drawn up under the eye of the ambassador himself.

May 23. Digby's instructions.

Digby was first to demand of the Emperor the complete restitution of all that Frederick had possessed before he thought of meddling with Bohemia. "But," James went on to say, "for that it is not likely that fortune, having so much favoured the Emperor's party this last year in Bohemia, and that he, being actually in possession of a great part of the Palatinate, will be drawn to restore it simply for our respect and friendship, but likewise that he may be assured of the respect, amity, and due observance of our son-in-law for the future,—we would have you, forasmuch as concerneth us, to let him know our great propension and desire of entertaining all friendship and amity with the House of Austria, and more particularly by uniting ourselves strictly by a match which we hope will take effect between the Prince our son and the Infanta of Spain; and, forasmuch as concerneth our son-in-law, we will undertake on his behalf that, upon the Emperor's revoking or disannulling of

The restitution of Frederick's lands and dignities demanded.

Terms offered.

the ban imperial against him, and the restoring of him in such sort as it is above desired, he shall do all things that can justly be required by the Emperor, and may stand with the honour of a prince of his quality and birth. And for that it will be necessary to fall from these generals unto particulars, we will engage ourselves that he shall decline and depart from all pretensions to the Crown of Bohemia and the annexed provinces both for himself and his son, and shall make unto the Emperor all fitting and due recognition and acknowledgment, so that he be not pressed to any such deprecation as shall be dishonourable or unworthy of his blood and rank."

If Ferdinand accepted these terms it would be well. "But," James proceeded to say, "in case you shall find the Emperor resolved not to condescend to these our demands in any real point either of our son's honour or inheritance, you shall then let him know that, as we should have been glad that he would have laid hold of this occasion of obliging us, so, by the contrary, he embarketh himself in a business which must make an immortal and irreconcilable quarrel both betwixt us and our posterities, which we shall be heartily sorry for; but, in a case which toucheth us so nearly both in honour and blood, and wherein we have not omitted to essay all courses of friendship and amity, if they may not prevail, we must betake ourselves to all other lawful means which God shall give us for the righting of ourselves and our children. And then you shall use all possible speed for the transferring of yourself into Spain, where you shall insist upon the same propositions unto that King, urging the hopeful promises given by the King his father and his ministers to our ambassador and agent there, both by word and writing. And, in case you shall find them desirous to evade by transferring the authority and power in this business unto the Emperor, you shall then let that King know that the inheritances of our children have been invaded, and remain yet possessed by his army and under his pay, and no way but titularly belonging unto the Emperor; and therefore you shall in our name earnestly move him that he presently withdraw his army out of the Palatinate, and leave the Emperor to himself, which, if he

If they are rejected, Digby is to go to Spain.

shall refuse to do, you shall then make it known that we shall be little satisfied with that pretended evasion of having our children dispossessed of their inheritance by his army under the commission of the Emperor, but must desire to be excused if we address ourselves directly for reparation to the hand that really and immediately hurt us. Our meaning briefly and plainly is, that in case herein satisfaction shall be denied us, you endeavour to fix the quarrel as well upon the King of Spain as upon the Emperor. But this we would have you do rather solidly than by any words of threatening or menace, and rather to give us a just and good ground, when we shall see occasion, to enter into a war than suddenly to embark us in it."

Finally, the ambassador was directed, if he found the King of Spain unwilling to listen to reason, "without any further treating of the match or anything else, fairly to take his leave."

Such terms as those which Digby was thus authorised to propose are equally distasteful to zealots, who think that a Protestant nation ought at all times and under all circumstances to cast its sword into the scale on behalf of a Protestant population, and to theorists who hold that interference in the affairs of foreigners is at no time either lawful or desirable. Yet they will commend themselves to those who think that it is the duty of a great nation to incur some risk in order to avert great evils, and who believe that such intervention can only be attended with success when it comes to give weight to a strong national feeling which is smothered under the overwhelming brute force of a foreign conqueror, or of a domestic faction in league with the armies of a foreign sovereign. Such was the intervention of William of Orange in England in 1688, and of Napoleon III. in Italy in 1859. Such, as far as words went, was the intervention undertaken by James in Germany in 1621.[1]

James's intervention in Germany.

May.

Unfortunately it went no further than words. Backed by a compact and disciplined army well enough paid to enable it to dispense with the necessity of plunder, Digby might have laid down the law in the Empire. As it was, he had to soothe as he could, by the mere persuasive-

It needed the support of an army.

[1] Digby's Instructions, May 23, *S. P. Germany.*

ness of his voice, two armies ready to fly at each other's throats. On the one side was Maximilian, impatient to add the Upper Palatinate to his hereditary dominions; on the other side was Mansfeld, whose disorganised forces combined the least possible power of resistance with the greatest possible amount of provocation.

Even whilst Digby was on his way to Vienna, the danger of an immediate collision was increasing. Mansfeld, now at the head of 20,000 men, had seized and fortified Rosshaupt, a strong post within the Bohemian frontier. The Margrave of Jägerndorf, a kindred spirit, was at the head of 7,000 men in Silesia, and was threatening, after levying contributions from the territories of the Catholics, to cross the mountains and to join forces with Mansfeld before the gates of Prague. In Hungary, Bethlen Gabor was making head against Bucquoi. On every side the wild terrors of the storm which had been quelled for a moment threatened to burst forth with redoubled violence.[1]

June. Mansfeld and Jägerndorf.

The seizure of Rosshaupt filled, in Maximilian's eyes, the cup of Mansfeld's offences to the brim. It might now be seen, he wrote to the Emperor, what was the real value of the adventurer's protestations that he was only standing on the defensive. Ferdinand replied by authorising him to put his troops in motion, whilst messengers were hastily despatched to Brussels and Madrid to ask for Spinola's co-operation on the Rhine.[2]

Anger of the Duke of Bavaria.

Mansfeld, at least, was determined to show his disregard of all diplomatic attempts to bring about a peace. He turned sharply upon the Bishop of Bamberg and Würzburg, who was guilty of the offence of having sent his troops into Bohemia in common with other members of the League, and threatened to devastate

July. Mansfeld's treatment of the neighbouring lands.

[1] See especially, for Mansfeld's proceedings, the letters printed by Uetterodt, *Ernst Graf zu Mansfeld*, 328–353.

Menzel, *Neuere Gesch. der Deutschen*, vii. 531. Zuñiga's Consulta on Oñate's despatches, Aug. (?), *Simancas MSS.* 2506. The Duke of Bavaria to Ferdinand II. June $\frac{18}{28}$. Ferdinand II. to the Archduke, $\frac{\text{June } 25}{\text{July } 5}$, *Brussels MSS.*

his territories with fire and sword.[1] A sudden attack was also made upon the Landgrave of Leuchtenberg, who had admitted a Bavarian garrison into his dominions. The Landgrave himself was dragged away as a prisoner to Mansfeld's camp.[2]

Such was the crisis at which affairs had arrived when Digby entered Vienna. If any man living was capable of pouring oil upon the troubled waters it was he. For he possessed, to a very great degree, the power of penetrating the thoughts and intentions of others, and, in a still higher degree, the power of instant decision in the midst of conflicting perils.

July 4. Digby's arrival at Vienna.

Four months earlier Digby's presence would have been invaluable. He could now hardly flatter himself that success was otherwise than very dubious. Ferdinand had been confirmed, by recent events, in his belief that it was hopeless to expect peace from Frederick, even if Frederick had the power to control the army which had been created in his name, and he had turned a deaf ear to the entreaties of the ambassadors from Denmark and the late Union, though they had asked to negotiate on the basis of Frederick's abdication. It was no wonder if he was incredulous; for Frederick's secret papers, which had fallen into the hands of the victors after his defeat at Prague, had recently been published, and his intrigues with Mansfeld and Savoy for the partition of the territories of the House of Austria had thus been laid open to the world.[3]

Digby saw that he had no time to lose. His only chance was, that, as he could speak with the authority of the King of England, his engagements on behalf of his master's son-in-law might be accepted, though the promises of others had been rejected with disdain. On the very day after his arrival, therefore, he asked the Emperor for

July 5. Digby's propositions.

[1] Mansfeld to the Chapters of Bamberg and Würzburg, July $\frac{4}{14}$, *S. P. Germany.*

[2] The Duke of Bavaria to Ferdinand II., July $\frac{10}{20}$, *S. P. Germany.*

[3] The publication of the Anhaltische Canzlei, as it was called, is mentioned in Digby's letter of June 19. Compare, on this subject, Wotton to Calvert, July 8, *S. P. Venice.*

a declaration of his intention to restore Frederick to his lands and dignities. The King of England would then obtain from the Elector Palatine a recognition of his obedience. Upon these terms he hoped that the further execution of the ban would be suspended, and the truce in the Lower Palatinate prolonged.

In three days he received his answer. The Emperor, he was told, could decide nothing without consulting the Princes of the Empire, who had been already summoned to Ratisbon. It was impossible to suspend hostilities any longer. Mansfeld had assailed Bohemia. Jägerndorf had published a commission signed by Frederick at the very moment when he professed to be treating. Yet, even now, if Frederick showed real signs of repentance, the execution of the ban should be stopped.[1]

July 8. The Emperor's answer.

The concluding words were a symptom of the hesitation which was gaining ground in the Emperor's mind. During the last few days bad news had been pouring in from every side. Bucquoi had been slain in Hungary, and his troops were in full retreat. The first days of the campaign in the Upper Palatinate had not turned out well for the Bavarians. The Elector of Saxony had refused to attend the assembly at Ratisbon, and his refusal was, with great probability, ascribed to his dislike of the plan of depriving Frederick of his Electorate.[2] Upon Maximilian the effect of the intelligence was merely irritating. He at once concluded a short truce with Mansfeld, which he hoped to turn to his own purposes, and hurried off a courier to Brussels with an urgent demand that Spinola might be ordered at once to take the field.[3] Ferdinand, whose territories were more immediately exposed to danger, and who was at all times more single-minded than Maximilian, began to hesitate. Was it

Ferdinand's hesitation.

[1] Digby to the Commissioners for German affairs, July 26. Digby's Propositions, with the Emperor's reply, *Clarendon State Papers*, i. App. 2.

[2] The Elector of Saxony to Ferdinand II., $\frac{\text{June } 27}{\text{July } 7}$. Ferdinand II. to the Archduke Albert, July $\frac{14}{24}$, *Brussels MSS.*

[3] Minutes of the Duke of Bavaria's letter to the Archduke Albert, July $\frac{8}{18}$, *Brussels MSS.*

wise, he wrote to the Duke, to let the opportunity slip? The King of Spain was fully occupied with the Dutch war. If Digby were dismissed without a satisfactory answer, it would not be long before the Elector of Saxony, with the whole of the North of Germany at his back, would be found fighting on Frederick's side.[1]

Maximilian protests against Digby's offers.

Ferdinand's suggestion was not likely to meet with a favourable reception. Maximilian was indignant that Digby had been listened to for an instant. The Emperor, he said, had solemnly promised that the Electorate should be his. He had come to his assistance when he was in distress, and, if his wishes were now to be disregarded, he would take no further trouble to preserve the Austrian territories from their present danger. His language did not fail in finding influential supporters at Vienna. The Pope's Nuncio, and Hyacintho, a Capuchin friar, who had lately arrived on a special mission from Rome, put forth all their eloquence in the hope of persuading Ferdinand to break off the negotiations, and to effect an immediate transference of the Electorate to Maximilian.

Ferdinand determines to treat.

The Emperor was not usually inaccessible to spiritual influences, and he was bound by every tie of interest and gratitude to Maximilian, but his better nature shrank from the prospect of interminable and perhaps hopeless war which was opening before him. After some days' hesitation, he told the Nuncio that he had made up his mind to treat with Digby. "If the Pope," he said, "knew what the position of affairs really is, he would be of the same opinion with myself."

July 21.

On July 21, therefore, Digby was informed of the Emperor's determination. The blame of the recent outbreak of hostilities was thrown upon Mansfeld and Jägerndorf. Let Frederick relieve the Catholic Powers from all fear of future aggression, and no difficulty would be thrown in the way of the proposed negotiation Letters should be despatched to Maximilian and Spinola, requesting them to abstain from

[1] Ferdinand II. to the Duke of Bavaria, July $\frac{8}{18}$. *ibid.*

hostilities, if only they had reason to believe that they were themselves safe from injury. It was for Frederick to revoke any commission which he might have issued for an attack upon the Emperor's dominions, and to prove to the world that his lieutenants had acted without his authority. If he would do this, all risk of war would be at an end.[1]

With this answer Digby was well satisfied. He had gained, he said, in the despatch in which he recounted his proceedings, all that could reasonably be expected. He had hardly hoped that the Emperor would consent to treat the transference of the Electorate as an open question. Yet he was too clear-sighted not to be aware how many difficulties were still to be surmounted. Everything, he said, depended on the part taken by Spain. Yet if, like James, he was inclined to hope for the best from the Court of Madrid, he knew far better than James how unwise it would be to trust to unsupported argument for success. "I must earnestly recommend," he wrote, "the continuing abroad yet for some small time Sir Robert Mansell's fleet upon the coast of Spain, which, in case his Majesty should be ill used, will prove the best argument he can use for the restitution of the Palatinate."[2]

Digby satisfied.

Yet, in truth, if Digby had been able to speak with confidence of Frederick's intentions, there would have been little need of such an argument. The reception by the new Spanish Government of the first hint of the Emperor's proposal to transfer the Electorate to Maximilian had been most unfavourable. Letters were at once despatched in the name of the young King to the Archduke Albert at Brussels, and to Oñate at Vienna. The House of Austria, wrote Philip, owed much to the Duke of Bavaria; but it would be unreasonable to continue the war solely for his per-

June. Policy of the new Spanish Government.

[1] The Emperor's second answer, July $\frac{21}{31}$, Londorp, *Acta Publica*, ii. 486. Digby to the Commissioners for German affairs, July 26, *Clarendon State Papers*, i. App. 6. Gritti to the Doge, $\frac{\text{July } 28}{\text{Aug. } 7}$, *Venice MSS.* Desp. Germania. Extract from a letter from Vienna, July 30, *S. P. Germany.*

[2] Digby to the Commissioners for German affairs, July 26, *Clarendon State Papers*, ii. App. 6.

sonal advantage. It was to be hoped, therefore, that the Assembly of Ratisbon would lead to a speedy pacification.[1]

By the time that these despatches reached their destination much had changed. Mansfeld's army was daily increasing in numbers, and Maximilian, by the Emperor's orders, was preparing to expel him from the threatening position which he occupied. To an inquiry whether he would desert his allies at such a conjuncture, the Archduke Albert could hardly reply otherwise than he did. He should much prefer, he said, a general pacification; but if the proceedings of Mansfeld made war necessary, he could not leave the Duke of Bavaria to be crushed. The suspension of hostilities would come to an end on July 22, and Spinola should receive orders to recommence the war in the Lower Palatinate as soon as he heard that the Bavarians had actually taken the field.[2]

Spinola ordered to aid the Duke of Bavaria.

July.

This order was the last public act of the Archduke. On July 3 he died, after a long and painful illness.[3] With him the nominal independence of the country came to an end. He left

[1] It would be well, writes Philip to the Archduke Albert on June $\frac{17}{27}$, to come to a settlement at Ratisbon, "para cuyo cumplimiento pareze que la dificultad que ocurre es el haver pasado el Emperador tan adelante con el Duque de Baviera en la promesa de la dignidad electoral Palatina, pues es sin duda que el Duque dificultará contentarse con menos, y el Rey de Inglaterra y los demas adjuntos del Palatino es de creer estribarán en que permanezca en su persona la dignidad, y que no se quietarán sin esto; y si bien es muy devido que se tenga con el Duque de Baviera buenissima correspondencia . . . si para esto effecto se huviesse de renovar una guerra perpetua en Alemaña, no será possible que lo que el Rey mi Señor y padre, que está en el cielo, hizo por restaurar la religion, y el Imperio, y los Reynos de Bohemia y Hungria, y provincias patrimoniales se pueda continuar por sola una circumstancia de acrescentamiento del dicho Duque; pues, aunque es mucho lo que ha hecho, y justo el reconocerselo, tambien es de considerar que hera caussa de todos, y que si la religion y el estado se perderán en nuestra cassa, no quedará en pie lo uno ni lo otro en la Baviera; y no es razon que el Duque quiera poner lo todo en compromisso por su fin particular." Compare the King's letter to Oñate of the same date, *Brussels MSS.*

The Infanta Isabella to Philip IV., July $\frac{16}{26}$, *Brussels MSS.*

[2] Trumbull to Calvert, July 3, *S. P. Flanders.*

no children to succeed him, and his widow, the aunt of the young King of Spain, was now again the Infanta Isabella, the Spanish governor of the Spanish Netherlands. Excepting that perhaps the Infanta was rather more reluctant to embark in hazardous enterprises than her husband had been, no change in the system of government was observable.

July 3. Death of the Archduke Albert.

She had not been long in possession of authority when she learned that Mansfeld had attacked the Catholic States in his neighbourhood, and that Maximilian's worst fears were already realised. When Trumbull saw Spinola, who had been recalled to Brussels to conduct the preparations against the Dutch, he found him greatly excited. "What," he said, "will the world think of us, if we make a truce in the Palatinate whilst the throats of our confederates are being cut?"[1] A few days afterwards, however, Cordova, who had been left in command of the troops in Germany, contrived to intimate to Frederick's officers that, though the truce would not be formally renewed, he should not take the field without special orders from Brussels;[2] and it was not long before a letter arrived from Ferdinand conveying the intelligence that negotiations had been opened with Digby, and expressing a wish that, unless there were grave military reasons to the contrary, hostilities should continue in suspense till it was seen whether Frederick's assent could be obtained to the terms proposed by the English ambassador.[3] Trumbull was accordingly assured by Spinola, that if Frederick were really in earnest he might have a truce for six months.[4]

The Spanish operations suspended.

July.

It is therefore beyond all reasonable doubt that, at the

[1] Trumbull to Calvert, July 21, *S. P. Flanders.*

[2] Cordova to the Landgrave of Hesse-Darmstadt, $\frac{\text{July } 24}{\text{Aug. } 3}$, *S. P. Germany.*

[3] Ferdinand II. to Spinola, $\frac{\text{July } 26}{\text{Aug. } 5}$, *Londorp*, ii. 487.

[4] Trumbull to Calvert, Aug. 13, *S. P. Flanders.* Spinola said that the Emperor's letter had not arrived. Judging from the similarity of his language with that held by Ferdinand, I doubt this; but, if he spoke the truth, it shows that the same conclusion was independently adopted at Brussels and Vienna.

beginning of August, the Duke of Bavaria stood alone in his desire to proceed to extremities. The Courts of Spain, of Brussels, of Vienna, and of Dresden might, from various causes, and with different degrees of earnestness, be counted amongst the supporters of Digby's pacificatory negotiation. Unhappily Maximilian found one man who was doing everything in his power to give effect to his warlike policy. That one man was no other than Frederick himself.

Frederick's proceedings.

That unhappy prince could see plainly enough that Maximilian wanted to possess himself of the Upper Palatinate ; but he could see nothing else. That his own retention of the Bohemian crown was a gage of battle flung down at the feet of the Catholic Powers, and that it alienated from him the sympathies of three-fourths of the Protestant Powers, was a truth which he was incapable of comprehending. His language when he heard of the violent proceedings of Mansfeld and Jägerndorf, was the language of hopeless incapacity. He had given them no orders, but he could not blame them. It was all the fault of Ferdinand and Maximilian. His lieutenants had been in the service of the Bohemian Estates before they entered his. If they had pretensions of their own in Bohemia, he could not hold them back. He could not even say that they were in the wrong in offering a helping hand to the oppressed Protestants.[1]

It was quite true that the Bohemian Protestants were in evil case, and it was impossible to blame Frederick for his sympathy with his late subjects ; but it is certain that a wise man would have attempted to help them in a very different way. If Bohemian Protestantism was to be saved, it would only be because German Protestantism was strong. Still, as three years before, the only hope of strengthening German Protestantism lay in a close union between Heidelberg and Dresden, and it was notorious that it was mainly by Frederick's aggressive ambition that such a union had hitherto been rendered impossible. It was therefore only by abdicating the throne of Bohemia that he could hope to help the Bohemians.

In the mood in which Frederick was, it was inevitable that

[1] Carleton to Calvert, July 19. Frederick to the King, July 28. Frederick to Digby, Aug. 13, *S. P. Holland.*

he would do something foolish. Yet even those who thought most meanly of his understanding, can hardly have been prepared for the gratuitous act of folly of which he was now guilty. If he had made his way to Mansfeld's camp, had placed himself at the head of his troops, and had given orders to march upon Prague, there would at least have been some method in his madness. But what was to be said when he gravely proposed to join the camp which the Prince of Orange was forming at Emmerich for operations against the Spaniards? Such a proceeding could do him no possible good, whilst it was certain to be regarded at Brussels and Vienna as an act of defiance. Carleton and Nethersole were at their wits' end. Even Elizabeth, ready as she invariably was to encourage her husband in any rational act of manliness, joined in protesting against the step. It was some time before the English envoys were able to discover what Frederick's motive could be. At last it came out that he was ashamed of the part which he had played at Prague, and that he hoped, under Maurice's tuition, to learn enough of war to qualify him for taking command of his own troops at some future time. On August 16, he set out from the Hague, with this childish fancy in his head.[1]

August. Frederick in the Dutch camp.

The real cause of Frederick's headstrong conduct, however, lay far deeper. The news of Bucquoi's defeat, which had alarmed Ferdinand, restored the confidence of his rival. Once more the fugitive prince was dreaming of entering Prague as a conqueror. "Our affairs," wrote Elizabeth to a confidential friend in England, "begin to mend. The King of Hungary is master of the field. Mansfeld and Jägerndorf do daily prosper."[2] Carleton complained bitterly that Frederick was 'less tractable than before.' In fact, he was now possessed by the most extraordinary delusion. Ferdinand's cause he believed to be hopeless. The only

He is resolved to prosecute the war.

[1] Nethersole to Calvert, Aug. 13, *S. P. Germany.* Carleton to Calvert, Aug. 13, *S. P. Holland.* Nethersole to Calvert, Aug. 22, *S. P. Germany.*

[2] Elizabeth to Roe, Aug. 21, *S. P. Germany.* By 'the King of Hungary' she means Bethlen Gabor, refusing to acknowledge Ferdinand as duly elected.

question was, whether Bohemia should belong to himself or to Bethlen Gabor, and he came to the conclusion that it was his duty to prevent the surrender of Prague to an ally who was, after all, a mere creature of the Turks. In this absurdity he was encouraged by Mansfeld, in whose busy brain the idea had perhaps originated.[1]

Pawel at Vienna.

Already Digby, at Vienna, had been made to feel the change. On August 4, Andreas Pawel, one of Frederick's councillors, arrived to assist him in his negotiation. He found that the English ambassador had resolved upon striking the iron whilst it was hot, by presenting for Ferdinand's approval a form of submission which Frederick should be required to make, and that he proposed that in proof of his sincerity Frederick should surrender the two towns which he held in Bohemia, on receiving a guarantee that the religion of their inhabitants would be respected. To both these proposals Pawel offered a determined opposition. For the present, at least, he said, his master would not hear of the surrender of the towns. Still less would he agree to make any kind of submission to the Emperor. By so doing he would acknowledge that he had committed a fault. The truth was, that the ban was a nullity, and he would never bring himself even to ask for its revocation. "I think," wrote Digby to Calvert, "they would have the Emperor ask them forgiveness for having wronged them with so injurious a ban."[2] Almost at the same time Frederick was writing a despatch to Digby, in which he adopted these extravagant pretensions. He would be ready, he said, to pay all due respect to the Emperor, but he would make no submission.[3]

Digby's opinion of the crisis.

Deeply mortified as Digby must have been by Frederick's unreasonableness, he knew that it was from another quarter that the immediate danger was to be apprehended. "As for the main business," he wrote to James, "I am in great hope that in convenient time it may be effected to your Majesty's good satisfaction; and,

[1] Mansfeld to Frederick, Aug. 2. Nethersole to Calvert, Aug. 13, *S. P. Germany.*

[2] Digby to Calvert, Aug. 12, *Clarendon State Papers*, i. App. 17.

[3] Frederick to Digby, Aug. 13, *S. P. Holland.*

in the interim, a general cessation of arms both in the Lower and Upper Palatinates might have been procured, were it not in respect of the Count Mansfeld, whose present condition is such that it hindreth and overthroweth all I have in hand; neither know I what course to take for the redress of it, for when I proposed here a cessation of arms in the Palatinate, until by treaty all things may be finally and conveniently ended, it is answered me that the Emperor is not averse thereunto; so that it may be general as well in the Upper as the Lower Palatinate, and that the Emperor's territories may not be assailed, for which I am very doubtful whether the Prince Elector himself can do it. For, although the Count Mansfeld shelter himself under the name and authority of the King of Bohemia, yet I doubt much, in case he should command him absolutely to disarm, or in the interim to stand upon a pure defensive, whether therein he would obey him; neither see I, indeed, well how he could, for he hath now with him above twenty thousand men, most of them adventurers, and in case he should yield unto a cessation of arms, most of them must either disband or starve. For the Upper Palatinate is absolutely ruined and wasted, so that his army can no way remain there, and if he shall attempt the living upon any other neighbour country, it will be esteemed a public act of hostility; and as for the dismissing of his army, it is a thing impracticable until the business shall be well settled, and there must be means found for his payment before he will out of the Upper Palatinate. Besides, he pretendeth great sums of money to be due unto him by the estates of Bohemia, and for that debt pretendeth to hold Tabor and Wittingau. So that, whereas it is said that those towns hold for the Prince Palatine, I conceive they are very willing to advantage themselves with that pretext. But, in case upon any composition he should command them to be restored to the Emperor, I have just cause to doubt he would not therein be obeyed. Insomuch that his name and authority is used in that which is prejudicial to him. But wherein it may be for his good and advantage, I fear he will find his authority very limited."[1]

[1] Digby to the King, Aug. 12, *S. P. Germany.* "Cependant," wrote

Such were the unpromising elements of the problem which Digby had undertaken to solve. Yet, strange to say, it was not on the Bavarian frontier that the first blow was struck. Since the dissolution of the Union the command in the Lower Palatinate had been entrusted by Frederick to Vere, and Vere was beginning to experience the same difficulties as those by which Mansfeld was beset. His troops were ill paid and ill-provided. The land was exhausted. In the presence of the spectre of war, the peasants had not ventured to sow their fields, in order to prepare a harvest which they would not be allowed to gather into their barns. It was with famine staring him in the face that Vere read the letters which reached him from Digby, from Trumbull, and from Calvert, urging him to keep the peace at all hazards. Though he was an Englishman, he was not in the King of England's service. James had plenty of advice to give, but he sent no money with which to alleviate the distress of the army. Frederick was equally unable to supply him, and whatever advice he had to give was very bad. His representative, the Duke of Zweibrücken, joined the council of Heidelberg in urging that something should be done. Vere was a good soldier, but he was not a statesman; and in his desperation he weakly consented to a middle course from which no good could possibly come.[1]

Vere in the Lower Palatinate.

The lands of the Bishop of Spires had been untouched by the war, and Vere knew that it would be a great relief to his own men if he could quarter one or two regiments upon the inhabitants. His soldiers, he believed, were well under control. They would take nothing from the people but provisions. No pillage should be allowed. In all courtesy he would first ask the bishop for his consent. Upon this scheme he acted. Making a virtue of necessity, the bishop

The truce broken.

Mansfeld, a few days later, "nous tascherons de fayre nos recreues, et voir si vous pourrons avoir de Hongrie le secours demandé; que, si cela est, nous sommes bastans pour tirer raison de nos ennemys de la pointe de l'espée, et fayre nos affayres à la ruine de leurs." Mansfeld to Frederick, *S. P. Germany.*

[1] Vere to Carleton, Aug. 9, *S. P. Holland.*

gave the required permission, and sent a commissary to watch the proceedings. But the peasants who were to find quarters for the men did not take the matter so easily. They had a strong suspicion that the soldiers would not prove quite as lamblike as their commander reported. In one village resistance was offered, and shots were fired. The troops forced their way into the place, striking down in the fray those who attempted to bar their path.[1]

In a moment the whole Catholic party was roused to indignation. This, then, was what Frederick meant by peace. Cordova at once declared that the truce was at an end, seized the strong castle of Stein, which commanded the passage of the Rhine, and threatened Vere's weak battalions with his superior force.

Stein seized by Cordova.

At last James was roused from his apathy. Upon his son-in-law he bestowed a severe but not unmerited rebuke. If he wished for any further aid from England he must leave the Dutch camp; he must recall all commissions by which his officers were empowered to take any measures not needed for the defence of his own dominions, and a copy of this revocation must be sent at once to Digby. Above all, he must consent to make due submission to the Emperor, and must leave it to the English ambassador to see that it was not couched in degrading terms.[2] At the same time Calvert was directed to expostulate with Gondomar on Cordova's precipitation.

James expostulates with Frederick.

It was somewhat of the latest. Digby felt deeply the want of that support upon which he might fairly have counted. To Calvert he poured out his sorrows. Everywhere Frederick's commanders had been the aggressors. "I will make no complaint," he wrote, in the bitterness of his heart, "but I must needs confess it hath been a strange unluckiness." For every one of Frederick's servants who desired peace, there were five who wished to drag England

September. Digby's complaints.

[1] Vere to Carleton, Aug. 7, *S. P. Holland.* Vere to Calvert, Sept. 14 (?), *S. P. Germany.*

[2] The King to Frederick, Aug. 28, 30, *ibid.* There are two letters of the latter date.

into a war with Spain.[1] If the King intended to carry out his plans, "he must first reduce the business to such a conformity that that which his faithful ministers shall have established in one part be not overthrown by the malice or artifice of the attempts of others in other parts, as hitherto hath happened."[2]

Whatever man could do was done by Digby. To the Emperor's reasoning that he could not be expected to grant an armistice unless it were to include the whole theatre of the war, he had nothing to reply. But neither Mansfeld nor Jägerndorf were under his orders, and it was more than doubtful whether they would obey Frederick himself. Yet, unless he took some responsibility upon himself, all chance of peace was at an end. Accordingly he concerted with the Emperor a plan for a pacification, and trusted to accident to enable him to realise it.

Ferdinand, according to this scheme, engaged to write once more to the Infanta Isabella and the Duke of Bavaria, urging them to suspend hostilities unless they could show good reason to the contrary. Mansfeld would be bound to respect the armistice which, it was hoped, would then be signed, on pain of being treated by James and Frederick as a common enemy. Frederick was to be induced to revoke his commission to Jägerndorf, and to surrender the towns in Bohemia. Negotiations for a peace were then to be opened, and, as soon as the execution of the ban had been suspended, Mansfeld's troops were to be disbanded on a promise from the Emperor that he would give three months' notice before renewing the war.[3]

Sept. 3. Digby's new plan.

Digby's hopes of the success of his endeavours were not high. He knew that he had not a single line under Frederick's hand to authorise him to make the concessions which he regarded as indispensable, and he could hardly suppose that the last arrangement, depending as it did upon the consent of the Duke of Bavaria, would really take effect.

He leaves Vienna.

[1] Calvert to Buckingham, Aug. 27, *Harl. MSS.* 1580, fol. 160.

[2] Digby to Calvert, Sept. 5, *S. P. Germany.*

[3] Ferdinand II. to the Infanta Isabella, Sept. $\frac{1}{11}$, *S. P. Germany.* Answer given to Digby, Sept. $\frac{3}{13}$. Digby to the Commissioners for German Affairs, Sept. 5, *Clarendon State Papers*, i. App. 4, 10, 14.

He was now leaving Vienna, anxious to visit Maximilian on his way home. "Of my proceedings here," he wrote to the Prince of Wales before he started on his journey, "I will only say this, that things have been so carried as if the chief care and study had been to overthrow the treaty I had in hand, and to renew the war; which I doubt not we shall find by experience will turn infinitely to the prejudice of the King's son-in-law." [1]

Invasion of the Upper Palatinate.

A few days after these words were written, Digby's worst fears were realised. Unsupported by Frederick, no engagement into which he could enter could offer any solid guarantee to the Imperialists. In recommending the scheme of the English ambassador to Maximilian, Ferdinand acknowledged that he was mainly influenced by the despondent view which he took of his military position.[2] Such an argument was not likely to weigh much with Maximilian. He had made up his mind to cut the knot with the sword, and without waiting for any further instructions from Vienna, he threw himself with all his forces upon the Upper Palatinate.

Then was seen on what a broken reed Frederick had placed his confidence. The great adventurer, the would-be conqueror of Austria and Bohemia, was not even in a condition to defend the country which had been trusted to his care. Unpaid and unprovided with supplies, Mansfeld's troops had reimbursed themselves at the expense of those whom they had been charged to defend. Rapine and violence had done their work. The heart of the population was alienated from the prince who had entrusted his subjects to the care of a pack of wolves. The magistrates refused to provide for the defence of the country. It was better, men were heard to say, that the Duke of Bavaria should take the land than that Mansfeld should remain in it a moment longer.[3]

As usual, Mansfeld sought to escape from his difficulties by

[1] Digby to the Prince of Wales, Sept. 5, *Clarendon State Papers*, i. App. 8. Wrongly dated Aug. 5.

[2] Hurter, *Gesch. Ferdinands II.* ix. 40. His narrative is based upon documents in the Vienna Archives, which I have not seen.

[3] Mansfeld to Frederick, Oct. 1, *S. P. Germany.*

trickery. In the spring he had invited his nephew Renè de Chalon to come to him from Flanders, in order that he might be the medium of an arrangement by which he then hoped to sell his services to the Emperor. When Chalon arrived Mansfeld had reinforced his army, and was looking forward to the reconquest of Bohemia. He did not, however, let go the thread of the intrigue, and while continuing to hold out hopes to the Imperialists, took credit with Frederick for the firmness with which he had resisted their seductions. He now intimated to Maximilian that he was ready to sell his master's interests. A treaty was drawn up by which he engaged, in consideration of a large sum of money, either to disband his army or to carry it into the service of the Emperor.[1]

Mansfeld engages to disband his army.

As chance would have it, Mansfeld, riding into Neumarkt for the purpose of signing this infamous treaty, met Digby's train on its way to Nuremberg. Putting a bold face on the matter, he asked the ambassador to accompany him and to assist him with his advice. Digby answered coldly that he had no authority to treat with the Duke of Bavaria. Upon this Mansfeld began to defend his conduct. His wants, he said, were great; his forces were too weak to hold head against the enemy; the people of the country were traitors; all that he meant in treating with Maximilian was to gain time in order to transfer his army to the Lower Palatinate. To Digby such language was intolerable. He had seen, he told him, the articles of the treaty by which he had bound himself not to serve against the House of Austria. He knew what was the exact sum of money for which he had sold his master. "When I replied unto him thus," was Digby's account of the scene, "I never saw so disturbed or distracted a man, and he would have recalled many things he had said, and began to swear nothing was concluded, but that things were to be ended now with the Commissioners, and that he would do nothing but with the consent of the Council of Amberg, who he had likewise appointed to be there, and desired that Monsieur

His meeting with Digby.

[1] Hurter, *Gesch. Ferdinands II.* ix. 58. Villermont, *Mansfeld*, i. 304, Uetterodt, *Ernst Graf zu Mansfeld*, 369.

Andreas Pawel might return with him to be present at their meeting. Much passed betwixt us, for we were together almost two hours. I concluded by telling him freely my opinion, that the defence of the Palatinate being committed to him, and being now only invaded for his cause in regard of his assailing Bohemia, if he should now, with so great and flourishing an army, abandon to the enemy a country for the defence whereof his honour was answerable, especially for a mercenary reward of money, I conceived that the Count Mansfeld would, from one of the most renowned cavaliers of Christendom, become the most vile and infamous ; and on these terms we parted, he swearing he would do nothing but what would stand with his honour ; but, my lords, I must confess that so perturbed a man I never saw."[1]

So the two men separated : the one to his duty, the other to his treason.

Under such circumstances the fate of the Upper Palatinate could not remain long undecided. On the 15th of September the strong military post of Cham had surrendered to the Bavarians. Before the end of the month Maximilian's troops were welcomed by the whole country as deliverers from the tyranny of Mansfeld. Frederick's general retained nothing more than the ground on which his troops were encamped.[2]

Conquest of the Upper Palatinate.

It was not in the field alone that Maximilian was victorious. The first news of his determination to appeal to the sword had been followed by a total change of policy at Vienna. Ferdinand's hesitation was at an end. Whatever the prospects of the two armies might be, he had no intention of deserting his old and tried friend for such a will-of-the-wisp as the mere chance that Frederick, who had never done a wise thing in his life, would now at last be wise enough to adopt the terms to which Digby had consented in his name. On September 12 he sent for the friar Hyacintho, and placed in his hands, in the strictest secrecy, an

The Electorate secretly conferred upon Maximilian.

[1] Digby to the Commissioners for German Affairs, Oct. 2, *S. P. Germany.*

[2] Nethersole to Calvert, Oct. 9, *ibid.*

act by which he conferred the Electorate upon Maximilian. The Archduke Charles, the Emperor's brother, was despatched to Dresden, to gain over John George. Hyacintho himself was to go to Madrid, to wring, if possible, an assent from the King of Spain.[1]

Whatever Englishmen might think about the matter, it was from Spain that the most strenuous opposition was to be expected. If the Spanish Government continued to take part in the war at all, it was only because Frederick's folly made it impossible for them to withdraw with honour. In June the Council of State at Madrid was looking forward with hope to a general pacification. Then had come the news of Mansfeld's excesses in Würzburg and Leuchtenberg, and it was necessary to take the change of circumstances into consideration. Zuñiga was consulted, and his advice was embodied in a despatch written by Philip to his ambassador at Vienna. "By all means," such was the substance of the letter, "take care to oppose the pretensions of the Duke of Bavaria to the Electorate. Induce the Emperor, if possible, to satisfy him by the cession of the district of Burgau, or of some other Austrian territory. Every day increases the necessity for obtaining a settlement to which the Palatine will agree. Probably the best solution is that which has been indicated by a councillor of the Elector of Saxony. If Frederick would abdicate the Electorate, his son might at once be accepted as his successor, and educated at the Emperor's Court."[2] A few days later Philip wrote again, approving the support which Oñate had given to Digby. It was necessary, he said, that the troops in the Lower Palatinate should come to the assistance of the Bavarians, but he hoped that the negotiations for a general pacification would not be postponed.[3]

August. Objections of Spain.

Sept. 1.

The plan thus put forward by the Spanish Government is the more noteworthy because it continued to be the object of its

[1] Hurter, *Gesch. Ferdinands II.* ix. 158.

[2] Consulta by Zuñiga, Aug. (?), *Simancas MSS.* 2506, fol. 4. Philip IV. to Oñate, Aug. $\frac{20}{30}$, *Brussels MSS.*

[3] Philip IV. to Oñate, Sept. $\frac{1}{11}$, *Brussels MSS.*

desires till the course of events made the position which it now took up altogether untenable. It sprang from a profound conviction that with Frederick no peace was possible. It had the advantage of offering a middle ground upon which both parties might agree. It had the disadvantage with which all the schemes proceeding from the Catholic side were attended. It dealt only with the wrongs of the princes, and forgot the wrongs of the people. That education at the Emperor's Court involved a change of religion it was impossible to doubt; and as matters stood in Germany, the voluntary conversion of a prince carried with it the forcible conversion of his subjects. Perhaps if some neutral Protestant Court had been substituted for Vienna as the place of education, the plan might ultimately have been found to promise the most satisfactory solution; but it was evidently premature to expect that it would as yet be acceptable to anyone.

Recommendation of Frederick's abdication.

If better terms were to be obtained, it was indispensable that Frederick should be brought to his senses. Accordingly James, finding that his son-in-law paid no attention whatever to his letters, despatched Sir Edward Villiers to Holland, with orders to insist upon his return from the Dutch camp. Frederick saw the necessity of obeying, and whilst Sir Edward was journeying towards him by one road to the camp, he hurried back to the Prague, like a truant schoolboy, by another. It was more difficult to extract from him a promise that he would make the required submission to the Emperor. He placed in Villiers' hands a lengthy argument by which he proved, to his own satisfaction, that such a step would be ruinous to his country and dishonourable to himself.[1] At last, however, he yielded, and protested that he would do as he was bidden.[2]

Mission of Villiers to the Hague.

Nor did James stand alone in urging upon Frederick the necessity of submitting. In a letter written to him about this time by the Princes of Lower Saxony, the blame of all that had occurred is distinctly ascribed to his own restlessness; and his

[1] Brieve déduction des Causes, &c., Sept. 29, *S. P. Germany.*

[2] Frederick to the King, Oct. 3, *S. P. Germany.* Carleton to Trumbull, Oct. 4; Villiers to Carleton, Oct. 10, *S. P. Holland.*

obstinacy is characterised as the chief impediment to the peace of Germany.[1] Even Frederick's own subjects in the Palatinate were of the same opinion. Men openly said that if he had but written a few lines to the Emperor, all would have been well.[2]

Digby at Heidelberg.

Experience was not very favourable to the hope that Frederick would take these admonitions to heart. Yet, considering the interests that were at stake, Digby was no doubt right in refusing to throw up the game. He had been summoned in haste to Heidelberg to assist in providing for the defence of the Lower Palatinate.[3] He found the troops in a pitiable condition. The Spaniards were masters of the open country on both sides of the Rhine. Vere's little force of three or four thousand men was fully employed in garrisoning Heidelberg, Mannheim, and Frankenthal. The troops at Frankenthal, which was soon actually besieged by Cordova, were under the command of Sir John Burroughs, a brave and skilful veteran. He was supported by the ardour of the townspeople, who mainly consisted of Protestant emigrants from the Spanish Netherlands. Yet it was evident that, unless succour came, he could not hold out long. Nor was this the worst. There were symptoms that the same causes which had produced the defection of the inhabitants of the Upper Palatinate, were operating in the Lower. "The gentry of the country were using means to be preserved in their estates and goods." The people were groaning under their hardships, and were seeking an accommodation with the enemy. Vere's men were almost in open mutiny for want of pay, and food to satisfy them was not to be had.

He supplies the Council with money.

Such was the position of affairs when Digby arrived. He was not the man to shrink from responsibility Though without orders, he would supply what was needed to carry on the defence of the country. He borrowed money on his own credit from the Nuremberg bankers. He sent his plate to the melting-pot. In this way he got together

[1] The Princes and States of Lower Saxony to Frederick, Oct. 20, *S. P. Germany.*

[2] Camerarius to Solms, Sept. $\frac{8}{18}$, $\frac{18}{28}$, Söltl, *Religionskreig*, iii. 133, 135.

[3] The Council of Heidelberg to Digby, Sept. 21, *Sherborne MSS.*

a sum of 10,000*l.*, which he at once placed in the hands of the Heidelberg Council. "If this sum," he wrote to his own Government, "could be made up to 20,000*l.*, the garrisons might still hold out. If not, everything would run a hazard." 20,000*l.*, supplied now, would do more than 100,000*l.* afterwards.[1]

Digby, satisfied that he had done his duty, passed on to Brussels. Strange news awaited him there. After all, Mansfeld had come to the conclusion that Frederick's service was better than the Emperor's, and had made up his mind to continue steadfast to what he was pleased to call his principles. Deceit and trickery cost him nothing. On September 30, he disarmed the suspicion of his enemies by signing the engagement to disband his army.[2] Before the next sun rose, he slipped away with his whole force, and marched with all speed for Heidelberg.[3]

Mansfeld in the Lower Palatinate.

Digby had no confidence in Mansfeld. He knew that the Bavarians would soon be at the heels of the force which had eluded them, and that even if the adventurer remained master of the field, it was not likely that he would consult any interests but his own. It was useless to appeal to the Infanta. Personally in favour of a general suspension of arms,[4] she had been charged by the Emperor to take no steps without the consent of Maximilian, and that consent had not been accorded to her. Nor was Digby in a very dissimilar position. He had no authority to speak in Frederick's name. He contented himself, therefore, with using strong language on his own account. "I know not," he wrote to Calvert, "what I may be held in England, but I am sure here I shall hardly ever be

October. Digby at Brussels.

[1] Digby to the Commissioners for German Affairs, Oct. 2, *S. P. Germany*. An unguarded expression of Lingard has induced many Continental writers to suppose that this money was given to Mansfeld, and Hurter even grounds upon this supposition a thoroughly baseless charge against Digby of connivance in Mansfeld's treachery.

[2] The agreement in the Vienna Archives is cited by Hurter, *Gesch. Ferdinands II.* ix. 59.

[3] The Council of Heidelberg to Digby, Oct. 8, *Harl. MSS.* 1581, fol. 172.

[4] The Duke of Bavaria to the Infanta Isabella, Sept. $\frac{10}{20}$. The Infanta Isabella to Philip IV., Sept. $\frac{14}{24}$, Oct. $\frac{4}{14}$, *Brussels MSS.*

held Spanish hereafter; for I assure you I have dealt very plainly with them."[1] It was in Spain, as he well knew, that, so far as it was possible to do anything whilst Frederick and Mansfeld were masters of the position, his work was to be done. He accordingly hastened back to England, to impart to James the knowledge which he had acquired, hoping to start again for Madrid as soon as possible. Before he left the Continent, he heard that Mansfeld had arrived in the Lower Palatinate, and that Cordova had been forced to raise the siege of Frankenthal.

His return to England.

A short breathing-time was gained. It was just possible that it might yet be used to force reasonable terms on Frederick and Maximilian alike. Perhaps, if Digby had been King of England, this might have been done, for no man knew better than he how little words could effect in such a case. The firmness of will and the promptness of action which had saved the Council of Heidelberg from ruin, might perhaps, if they had been allowed free play, have saved Europe from war.

Everything depended on the impression of resolution which James would be able to make upon the Court of Madrid. Philip's ministers, after all, did not desire peace because they had no wish to encroach in Germany, but because they were afraid of the consequences. Unfortunately, during Digby's absence, James had, as usual, been acting in the way most calculated to remove any fear that he would ever take up an independent position in opposition to Spain.

On November 27 in the preceding year, Mansell cast anchor with his fleet of twenty ships in the roads of Algiers. He sent a formal demand to the Dey for the restitution of all English vessels and English subjects in his possession, and for the execution or surrender of the pirates by whom they had been captured. He might have saved himself the trouble. The Algerines pretended extreme eagerness to comply with his wishes, and released some four-and-twenty captives. Mansell was well aware that such a handful of men formed but a small instalment of the crews of the hundred and

1620. November. Mansell at Algiers.

[1] Digby to Calvert, Oct. 22, *S. P. Flanders.*

fifty English vessels which had been taken in the past six years, but though he was ready to remonstrate, he was not prepared to fight. Supplies promised from England had not reached him; sickness was raging in his fleet, and he sailed away, leaving the town untouched. For five months, he did little or nothing. It was not till May 21 that he re-appeared at Algiers. Three days afterwards, the wind at nightfall blew towards the shore, and he launched his fire-ships against the pirate shipping. For a moment success seemed to be within reach. In no less than seven places the flames was seen shooting up amongst the rigging; but the English vessels which were to have supported the fire-ships had been ill-supplied with ammunition, and in a few minutes they had got rid of all their powder. The Algerines were not slow to profit by the opportunity. Hurrying back to the mole, they drove off their assailants, and with the timely assistance of a shower of rain, succeeded in extinguishing the flames.

1621. May. He fails in an attack upon the town.

Not a breath of air was stirring, and, before the wind rose, the harbour was rendered inaccessible by a boom thrown across its mouth. The failure was complete, and there was nothing left for Mansell to do but to sail away to Alicant.[1]

On his return to harbour he found orders to send back four of his ships to England. To this number he added four others, which had become unserviceable. Twelve only remained in the Mediterranean.[2]

Recall of part of the fleet.

It does not appear on what grounds the four vessels were recalled; but it was not long before a resolution of a more important character was taken. The outbreak of hostilities between Spain and Holland had been accompanied by a renewal of the dispute about the blockade of the Flemish ports. The Dutch claimed the right of excluding all commerce from the enemy's harbours. James,

The blockade of the Flemish ports.

[1] Mansell's account of his proceedings, Dec. 1620, *S. P. Barbary States.* Mansell to Buckingham, Jan. 13, 1621, *Harl. MSS.* 1581, fol. 70. Mansell to the Commissioners for the Expedition, Jan. 16. Mansell to Calvert, Jan. 17, *S. P. Barbary States.* Mansell to Calvert, March 15. *S. P. Spain.* Mansell to Buckingham, June 9, *Cabala*, 297.

[2] Algiers Voyage, *S. P. Dom.* cxxii. 106.

on the other hand, declared that they were not justified in stopping anything under a neutral flag but contraband of war. To this assertion the Prince of Orange refused to listen for an instant. "These countries," he said one day to Carleton, "will sooner cast themselves into the hands of the King of Spain, than permit the trade of any nation to enter the ports of Flanders."

Even if James's claim had been far better than it was, it would have been unwise to have insisted upon it in the existing state of his relations with the Continent. With James such considerations were of little weight. Before July was over, the remainder of Mansell's fleet was recalled to maintain the supremacy of the English flag in the Narrow Seas.[1]

July.

The rest of the fleet recalled.

In the course which he was now taking, James received every encouragement from Buckingham. Again, as in the previous summer, the Lord Admiral saw in an injury done to an English ship a personal insult to himself.

Buckingham hostile to the Dutch.

Caron looked upon this state of things with sorrow, for he knew the value of the English alliance to his country, and though he could not recommend the opening of the Flemish ports, he was aware that the long delay in sending the promised commissioners to treat on the East India business was bringing to Buckingham a support which would otherwise have failed him. "I have seen the time," he wrote, "when the friends of Spain were held here as open enemies; but the King's subjects are now so irritated by these East Indian disputes, that they take part against us." Yet there was no lack of hostility to Spain. James, he went on to say, thought himself as certain of the restoration of the Palatinate as if he held it in his own hand. Gondomar was growing in credit every day, and Buckingham was entirely devoted to him. A few days ago, the favourite had accompanied the Spaniard to his house in a litter. As they passed through the streets, no man took off his hat, and not a few muttered a wish that they might both be hanged.[2]

[1] Chamberlain to Carleton, July 28, *S. P. Dom.* cxxii. 46. Calvert to Carleton, Aug 11, *S. P. Holland.*

[2] Caron to the States-General, July $\frac{8}{12}$, *Add. MSS.* 17,677 K. fol. 140.

It was not without reason that Caron spoke of the growth of Gondomar's credit. It was at his request that the decision had been taken to recall the fleet.[1] In September, however, he intimated that his master would prefer a different arrangement, and that he wished twelve ships to remain in the Mediterranean, whilst twelve others were employed against the Dutch. What may have been the motives of the King of Spain we do not know; but we do know that James made no objection to changing his plans at the bidding of a foreign ambassador, that he bore down all opposition in the Council, and that, but for the sudden arrival of Mansell in the Downs, in obedience to previous orders, Gondomar's plan would have been carried out to the letter.[2]

September. Destination of Mansell's fleet.

The opposition in the Council had been headed by the Lord Treasurer. Mandeville may have been a bad financier, but he was a good Protestant, and he had a deeply rooted aversion to the Spanish alliance. It was now intimated to him that he must resign his office. If he gave way without difficulty, his fall would be softened. The post of Lord President of the Council, long disused, should be revived in his favour, though, as Gondomar remarked, no one knew what its duties were. At the same time, the 20,000*l.* which he had given to the King for his appointment would be acknowledged as a debt, for which Buckingham was ready to become security. Mandeville was unable to struggle against the pressure put on him, and accepted the terms without difficulty. "My lord," said Bacon, when next they met, "they have made me an example, and you a president." The jest was made more tolerable by the spelling of the day, than it could possibly be considered now.[3]

Mandeville's enforced resignation.

[1] Philip IV. to Ciriza, $\frac{\text{May } 27}{\text{June } 6}$. Gondomar to Philip IV., July $\frac{11}{21}$, *Simancas MSS.* 2518, fol. 49; 2602, fol. 39.

[2] Gondomar to Philip IV., Sept. $\frac{12, 20}{22, 30}$, *Simancas MSS.* 2602, fol. 66, 67. Order in Council, Sept. 15, *S. P. Dom.* cxxii. 126.

[3] Locke to Carleton, Sept. 29, *S. P. Dom.* cxxii. 152. Gondomar to Philip IV., $\frac{\text{Sept. } 28}{\text{Oct. } 8}$, *Simancas MSS.* 2602, fol. 77; *Bacon's Apophthegms*; *Works*, vii. 181.

Cranfield Lord Treasurer, and Weston Chancellor of the Exchequer.

Almost as a matter of course, the white staff was placed in Cranfield's hands. A few weeks later the Chancellorship of the Exchequer, vacant by the resignation of Greville, who had recently been raised to the peerage as Lord Brooke,[1] was committed to Sir Richard Weston.[2]

As far as the administration of the finances was concerned, it was a happy change. If anyone living could restore order and economy it was Cranfield. But the manner of his appointment was of evil augury. The nation was thinking far more of its religious sympathies with the German Protestants than of its commercial rivalry with the Dutch, and it was well known that, though Cranfield cared a great deal about the prosperity of trade, he cared very little about the ruin of the Protestant Churches on the Continent.

Buckingham eager for war with the Dutch.

In the meanwhile Buckingham was hounding on the King to an open declaration of war against the Dutch. Nor was he less inclined to speak evil of Frederick. Sharp tongues had been busy at the Hague, and it was rumoured that, at the little court of the exiles, Buckingham had been spoken of as a Papist and a traitor. In revenge he placed in Gondomar's hands the letters which Frederick and Elizabeth had written to the King, and assured the pleased ambassador that not a penny should be sent from England for the defence of the Palatinate.[3]

Digby in England.

Such was the direction in which James, carried away as usual by the feeling which happened to be uppermost for the moment, had been tending during Digby's absence. Yet, when the news reached him of the danger of the Lower Palatinate, he roused himself to unwonted activity. He not only promised to repay the money which had been advanced by Digby to the Heidelberg Council, but he engaged to add another 10,000*l.*[4] On October 31 Digby himself returned to tell his story. James was moved at least to momen-

[1] Jan. 29, Pat. 18 Jac. I., Part 2.

[2] Nov. 13, Pat. 19 Jac. I., Part 1.

[3] Gondomar to Philip IV., $\frac{\text{Sept. } 28}{\text{O t. } 8}$, *Simancas MSS.* 2602, fol. 72.

[4] Digby to the Council of the Palatinate, Oct. 24, *S. P. Germany.*

tary indignation. The next day the Privy Council was summoned to listen to the narrative, and James wrote to the Emperor and the King of Spain to demand redress. The cry for immediate action was loud.[1] On November 3 a proclamation appeared, summoning Parliament, which had lately been adjourned once more by the King's orders, to meet on the 20th of the same month.[2]

Nov. 3. Parliament summoned.

This time there was to be no hesitation. Steps were taken which should have been taken at least ten months before. Money was borrowed, and the promised 10,000*l.* swelled into 30,000*l.*, which were immediately[3] despatched to Frederick at the Hague. More was to follow as soon as supplies had been voted by the Commons. Frederick was again urged to put himself at the head of his troops in the Palatinate. At the same time James wrote to the Emperor, renewing his original demand for the restitution of the lands and dignities of which his son-in-law had been deprived, and engaging that he would relinquish the crown of Bohemia, and, after making such full submission as might be consistent with his honour, would renounce any confederacy by which the peace of the Empire might be endangered. A copy of this letter was sent to Frederick, in order that he might signify, in writing, his consent to negotiate on the proposed terms. If he did so, he was told, James would put forth his whole strength in his behalf.[4]

Terms offered by James.

For a few days Digby was the most popular man in England. There may have been some who wondered why all this had not been done long ago, but such thoughts were drowned in the general enthusiasm. At last,

Popular enthusiasm.

[1] Gondomar to the Infanta Isabella, Nov. $\frac{1}{11}$, *Simancas MSS.* 2602, fol. 80. Locke to Carleton, Nov. 3, *S. P. Dom.* cxxiii. 84; Salvetti's *News-Letter*, Nov. $\frac{8}{18}$.

[2] Proclamation, Nov. 3, *S. P. Dom.* clxxxvii. 98*.

[3] The King to Carleton, Nov. 12, *S. P. Holland.*

[4] Calvert to Carleton, Nov. 5, 10, *S. P. Holland.* The King to Ferdinand II., Nov. $\frac{2}{12}$, *Cabala*, 239. The King to Philip IV., Nov. $\frac{2}{12}$, *Madrid Palace Library.* The King to Frederick, Nov. $\frac{21}{12}$, *Add. MSS.* 12,485, fol. 99b.

men said, the weary time of weakness and vacillation was at an end. "God grant," wrote the Earl of Bedford, "that the King's resolutions may be so propounded to the Parliament, as they may with a general applause be seconded, and not disputed, and that no past distastes breed such variance at home as may hinder the speedy execution requisite for the good success of what is to be done by us abroad."[1]

Lafuente's mission to Rome.

Even now, however, James unhappily did not know how serious the crisis was. If everything else failed, the King of Spain, he fancied, was certain to see him righted. His words had been for the moment the words of Digby, manly, self-reliant, and far-sighted. His thoughts were his own. Still, as ever, he hated trouble and responsibility. He was the more disposed to confidence in Spain because good news, or what he held to be good news, had lately reached him of the progress of that foolish marriage treaty of which he was so deeply enamoured. Early in the year Lafuente had arrived at Rome, and had soon been joined by George Gage, Conway's Roman Catholic cousin, who had been sent to watch the negotiation on the part of the English Government. There had been a delay at first in consequence of the death of Paul V., and a further delay in consequence of the death of Philip III. These obstacles were now surmounted. A congregation of cardinals was appointed by the new Pope, Gregory XV., to consider the propriety of granting the dispensation asked for. Nor was it long before Gage was able to report that, if only James could make up his mind to make concessions to the English Catholics, no difficulties would be thrown in the way of the marriage by the Pope.[2]

James's message to Gondomar.

It was in the frame of mind resulting from his knowledge of the progress which had been made in this affair, that James prepared to meet his Parliament. At a moment when he ought to have done his utmost to impress Gondomar with a sense of the firmness of his attitude, he sent him a message, bidding him not to care for any-

[1] Bedford to Carleton, Nov. 5, *S. P. Holland.*

[2] Gage to Digby, Sept. 1, *S. P. Spain; Francisco de Jesus*, 32–35.

thing that might be said in Parliament, as he would take good care that nothing was done which would be displeasing to his Catholic Majesty.[1] With the dice thus loaded against him, Digby had a hard game to play.

[1] Gondomar to the Infanta Isabella, $\frac{\text{Nov. 21}}{\text{Dec. 1}}$, *Simancas MSS.* 2558, fol. 14.

## CHAPTER XXXIX.

### THE DISSOLUTION OF 1621.

On the appointed day, November 20, the Houses met. On the 21st, the Commons were called up to the House of Lords, to hear a statement on behalf of the King, who was detained at Newmarket by real or affected illness. The proceedings were opened by Williams. He spoke, men said, 'more like a divine than a statesman or orator.'[1] He recommended the Commons "to avoid all long harangues, malicious and cunning diversions," and to postpone all business, except the grant of a supply for the Palatinate, till their next meeting in February.[2]

Nov. 20. Meeting of the Houses.

Nov. 21. Speech of Williams,

Then Digby rose—the one man in England who could avert, if yet it were possible, the evil to come. Of no party, he shared in all that was best in every party. With the Puritans, he would have resisted the encroachments of the Catholic Powers at home and abroad. With the King he was anxious to put an end to religious war, and to grant religious liberty to the English Catholics. On the Continent he would have done that unselfishly, and in the interest of the world, which Richelieu afterwards accomplished selfishly, and in the interest of France. Such designs, so vast and so far-reaching, might easily take root in the brain of a dreamer. But Digby was no dreamer. He knew that there were times when the road to peace lay through the gates of war, and that that time had

of Digby,

[1] Chamberlain to Carleton, Nov. 24, *S P. Dom.* cxxiii. 122.

[2] *Proceedings and Debates*, ii. 183.

almost come. Now or never Spain must be made to understand that she must choose her side.

Digby's statement was a very simple one. He spoke of the King's efforts to maintain peace, of the hopes of success which had attended his own embassy at Vienna, of the terror inspired by Mansfeld's army, of the change which, at the instigation of the Duke of Bavaria, had come over the Emperor's intentions, and of the consequent renewal of the war. The King, he said, must now 'either abandon his children, or declare himself by a war.' The King of Spain had written 'to the Emperor effectually for peace,' and it was 'the fault of the Emperor that it was not effected.' It remained, therefore, to be considered what course was now to be pursued. The force of twenty thousand men under Vere and Mansfeld, would be sufficient to hold the Lower Palatinate during the winter. But if this were to be done, money must at once be sent. Mansfeld's soldiers were mere mercenaries, and if they were left any longer without their pay, they would soon be in open mutiny. An additional army must be sent in the spring, and the cost of maintaining such an army for a year would not be less than 900,000*l.*[1]

and of Cranfield.

Cranfield followed, urging a liberal supply, without naming any precise amount.

The next morning, it was arranged by the Commons that the King's message should be taken into consideration on the 26th. In the meanwhile an objection was not unnaturally raised to some expressions which had been let fall by Williams. They had been directed, said Alford, to meddle with nothing but the supply for the Palatinate. It would be an evil precedent if the King were permitted to assume the right of prescribing the subject of their debates.[2] In the same spirit Digges, whose facile and impressionable nature made him ever ready to adopt the prevalent feeling of those with whom he was acting, drew attention to the late imprisonment of Sandys. He hoped, he said, that in the great debate to which they were look-

Freedom of debate.

Sandys's imprisonment.

[1] *Proceedings and Debates*, ii. 186 ; *Lords' Journals*, iii. 167.

[2] *Proceedings and Debates*, ii. 197.

ing forward, no exception would be taken to anything which they might say in discharge of their consciences.

Sandys himself was not present, having been detained by illness. Calvert, however, rose to explain that he had not been imprisoned for anything that he had said or done in the House.

The statement, though literally true, was received with general incredulity, and murmurs of dissatisfaction were heard on every side. It was only upon Calvert's agreeing that his words should be entered upon the clerk's book, that calm was restored. It was evident, however, that a question had been raised which, unless it were speedily settled, would give rise to serious perplexities in the future.[1]

On November 26, a full House met to take part in the great debate which was to decide the Continental policy of England for years to come. The zeal of the Commons, it is true, may sometimes have outrun discretion. Their knowledge of the policy and designs of the Courts of Europe was defective. On the other hand, their single-mindedness was undoubted. In their deliberations, that narrow patriotism which is only a larger selfishness, had no place. All that they asked was to devote themselves to that cause which, as they honestly believed, was the cause of God and man.

Nov. 26. Debate on the demand for a supply.

The House, it must be acknowledged, approached the question under peculiar difficulties. Digby had told them the truth, but not the whole truth. It is no wonder that there were many amongst his hearers who were incredulous when they heard of the efforts of the King of Spain in favour of peace. What they knew was that it was only by the aid of Spanish troops that the war had been possible. Yet how could Digby offer them the key by which alone the mystery could be unlocked? Even if he had thought it wise to publish to the world the follies of his master's son-in-law, would not the blame which would deservedly be attributed to Frederick fall in part upon his master himself?

The debate was opened by Digges. He hoped, he said, that

[1] *Proceedings and Debates*, ii. 198.

the House would support the Crown, but they must not forget that it was the King of Spain who was seeking to bring all Europe into subjection. Without a war of diversion no good would be done. Sir Benjamin Rudyerd rose next. Lately appointed, by Doncaster's influence, Surveyor of the Court of Wards, he was at this time attached to that band of politicians who, with Pembroke at their head, hoped to reconcile a stirring foreign policy with the fullest devotion to the Crown. He took no notice of Digges's proposal for a war of diversion, but contented himself with urging the House to grant the supply at once. In the same strain Sir Miles Fleetwood followed, adding a recommendation that the advice of the Lords should be asked not only upon the amount required, but on the manner in which it should be expended.

Speeches of Digges;

of Rudyerd;

of Fleetwood;

Perrot came next. He was for a war on a large scale—a war of diversion, as Digges had expressed it—a war, that is to say, which would have sought out the sources of the strength of Spain in the Indies. Let them give what was needed now, and increase their supply as soon as war had been really declared. So far he had said nothing which was in marked opposition to Digby's proposal. The question of the mode of carrying on the war might well be left for future consideration when war was actually commenced. But in the eyes of the author of the declaration with which the House had separated in June, the crisis was fully as much religious as political. He ended, therefore, by reminding his hearers that there were those at home whose hearts were at the service of the King of Spain, and that it was necessary to take precautions against their machinations.

of Perrot;

Sackville saw that the discussion was getting upon dangerous ground. Like Rudyerd, he had thrown himself heart and soul into the cause of the German Protestants, and like Rudyerd he knew that, excepting with the good-will of James, it was impossible to put the forces of England in motion to their assistance. The passing bell, he said, was now tolling for religion. It was not dead, but it was dying. Let them consider two things: first, what was fit to be done at

and of Sackville.

this time ; secondly, what was unfit to be now talked of. Let them give at once what was needed for the present supply of the troops. But for the present let them dismiss from their minds all consideration of the larger grant which, as the Lord Treasurer had told them, would be needed in the spring, if war were then declared.

Feeling about the Spanish match.

The House would probably have been wise if it had closed with this suggestion. It is true that little confidence could be placed in the King, but unless the Commons were prepared to leave the Continent to its fate, it was necessary to trust him at least to the extent of Sackville's proposal.

Such would no doubt have been the view which a consummate political tactician would have taken of the situation ; but it is seldom that such considerations have much weight with a popular assembly, and, least of all, with an assembly with no definite leadership. There was scarcely a member there who did not sympathize from the bottom of his heart with the thoughts which had found utterance in the speeches of Digges and Perrot. No doubt their belief that the King of Spain was aiming at universal monarchy was a gross exaggeration ; but it was perfectly true that he was exercising an influence over the King of England which was justly intolerable to every true-hearted English subject, and they knew that, unless a remedy were found for the mischief, it would not be long before Philip would find in the wife of the future King a representative whose soft accents would be even more persuasive than the loud tones which were so readily at Gondomar's command.

Speech of Phelips.

A feeling so universal and so deeply seated could hardly fail to find expression in the debate. Gifted with an eloquent tongue, and with every virtue except discretion, Phelips, at least, was not the man to leave unuttered the opinions which he shared with those around him. Their enemies, he reminded his hearers, were the Catholic States. There was the great wheel of Spain, and the little wheel of the German Princes. Their own natural allies were the Protestants of Europe. It had been said that the King of Spain was their

friend. But did not everyone know that he was the president of that council of war by which the Palatinate had been invaded. It was from his treasure that the attacking forces had been paid. The Duke of Bavaria was but a petty prince. God, he believed, was angry with them because they had not kept the crown on the head of the King of Bohemia. Phelips then turned to home affairs. Trade, he said, was ruined, and the hearts and affections of the Papists were at the disposition of the King of Spain. They had lately grown so insolent as to talk of Protestants as a faction. They had begun to dispute openly on their religion. Against such dangers the Commons were bound to guard the country. Let the bills before the House be proceeded with. Let them refuse to grant any supply for the present. At their next meeting they might grant subsidies, and prepare for a thorough war. Till that time the defence of the Palatinate might be otherwise provided for. A small sum would be sufficient to support Mansfeld during the winter.

Calvert interferes.

After a short speech in the same strain from Sir Edward Giles, Calvert saw that it was time to interfere. In a few weighty words he explained the policy of the Government. "The friendship amongst princes," he said, "is as their strength and interest is, and he would not have our King to trust to the King of Spain's affection. As for the delaying of a supply any longer, if we do it, our supply will come too late. It is said our King's sword hath been too long sheathed; but they who shall speak to defer a supply, seek to keep it longer in the scabbard." It was impossible to declare more plainly that, in case of necessity, the proposed armaments would be directed against Spain. If James, instead of loitering at Newmarket, had been there to confirm his Secretary's words, he would have carried everything before him.

Crew asks who is the enemy.

For a short time it seemed as if Calvert's words had not been without effect. Although, of the three speakers who rose after him, not one recurred to Phelips's proposal to withhold supplies, the distrust was too deeply seated to be easily removed. Phelips found a supporter in Thomas Crew, a lawyer of reputation for ability and

honesty. Before they gave anything, he said, they ought to know who was their enemy. If at their next meeting they could be assured that their money was to be used against Spain, and if hope was given them that the Prince would marry one of his own religion, they might then grant a liberal supply.

Amongst the few who listened with dissatisfaction to the introduction of this irritating topic was Sir Thomas Wentworth, Calvert's youthful colleague in the representation of Yorkshire. Gifted with a clear and commanding intellect, he looked with apprehension upon the renewal of the religious wars of the past century, and he believed with Digby that, if the King could make it clear that the nation was at his back, Spain would be certain to give way to any reasonable demand.[1] Yet there were many reasons why, at this juncture, Wentworth should have carried but little weight in the House. He would, it is true, have gone as far as Phelips or Perrot in opposing the miserable system by which the first place in the counsels of an English Sovereign was held by the ambassador of a foreign prince. But in the wide European sympathies of the leading members he had no share. His policy was purely English, and it was nothing more. In matters of domestic legislation he took the deepest interest. He seldom rose without urging the importance of pushing on the bills before the House without loss of time. Puritanism, and everything that savoured of Puritanism, he regarded with loathing. For him religion must be decorous and stately. Yet if he bitterly hated the restlessness of the champions of liberty, he hated still more bitterly opposition to his own will. Proud of his ancient lineage, and of the princely fortune which had descended to him from his ancestors, his fierce resolute spirit brooked no resistance. The clash of thought, the conflict of opinion out of which lasting progress springs, was to him an object of detestation. Even when, a few years later, he was throwing in his lot with the Commons in their struggle against Buckingham, he was never

Sir T. Wentworth.

His character and policy.

[1] Wentworth to Darcy, Jan. 9, 1622, *Strafford Letters*, i. 15.

one in feeling with those with whom he was, for the time, politically associated. The value which he set upon Parliamentary discussion may be gathered from a curious passage in a letter to a friend. He had just seen, he said, a statue representing Samson in the act of killing a Philistine with the jaw-bone of an ass. "The moral and meaning whereof," he adds, "may be yourself standing at the bar, and there, with all your weighty, curiously-spun arguments, beaten down by some such silly instrument as that; and so the bill, in conclusion, passed, sir, in spite of your nose."[1]

Such was the man who now attempted to stem the tide which was running strongly against the Government. He proposed, with the evident intention of giving time to communicate with the King, that the debate should be adjourned for some days. It was not an unwise suggestion, and if it had come from one with whom the House could sympathize, it might perhaps have been adopted. As it was, its rejection was certain. The renewal of the discussion was fixed for the following morning.

He proposes an adjournment.

The next day, therefore, the debate was resumed. Member after member rose to urge the necessity of engaging in war with Spain, and of putting in force the laws against the Papists, who were the chief supporters of Spanish influence in England. Once more Sackville rose to advocate compliance with the King's demands. "The King of Spain," he said, "hath laid out his money to gain from us the Palatinate. Let us, therefore, give some present supply towards the keeping of that which is left us in the Palatinate; and it will not be long before we discover plainly whether the King of Spain be our enemy or no; which if he be, then will the King, without question, understanding of our affections and inclinations, proclaim a general war against him, and then shall we have our desires."

Nov. 27. Sackville's argument.

Every hour the question was becoming more evidently than before a question of confidence in the King. James had

[1] Wentworth to Wandesford, June 17, 1624, *Strafford Letters*, i. 21. The characteristic story of the Yorkshire election petition will be well known to every reader of Mr. Forster's *Life of Sir J. Eliot*.

placed his supporters at a terrible disadvantage. He had asked for a supply, but he had not disclosed his policy. Was there any reason to believe, it might well be argued, that it was worth while to make a fresh application to Spain? And if such a reason existed, why had it not been communicated to the House? James could hardly indeed have been brought to set forth in detail to his own condemnation all the blunders of the past year. But it can scarcely be doubted that if he had produced in substance the terms which he had submitted to Frederick for his acceptance, and had declared that the refusal of those terms, whether by Spain or by any other power, would be followed by an immediate declaration of war, he would have carried the House with him, and would have given a support to his diplomacy which could be obtained in no other quarter.

James, however, was far away at Newmarket, and, whatever his partisans might say, it was plain that they were speaking without authority. For a time, indeed, Sackville seemed to have made an impression. He was seconded by Wentworth, who recommended an immediate grant, leaving to the King the choice of a fit time for declaring war Weston and Heath followed on the same side.

Wentworth supports Sackville.

The speeches which had hitherto been made in opposition to the Crown may, in some particulars, have been indiscreet and exaggerated; but they struck at real evils, and they had been expressed in language which it became the leaders of the English Commons to utter. Very different was the tone assumed by the speaker who now rose to address the House. On ordinary occasions Coke's rugged independence was apt to degenerate into coarseness of thought and language, and he had been too long accustomed to pour out the vials of his wrath, amidst popular applause, upon Jesuits and Papists, to approach the subject under discussion with any degree of calmness. Nor were special causes of irritation wanting. During the recess an attempt had been made to punish him indirectly for the uncourtly part which he had taken in the House. Two men, named Lepton and Goldsmith, considered themselves to have been wronged by the decision of a committee of

Coke's ill-humour.

Affair of Lepton and Goldsmith.

which Coke had been the chairman. They applied to Lady Hatton for advice as to the best mode of revenging themselves upon her husband. The result of their machinations was that a bill was filed in the Star Chamber containing numerous charges against him for misconduct in the days long past when he was still upon the Bench. The affair had recently been brought before the notice of the Commons, and a committee had been appointed to inquire into what looked very like a conspiracy to inflict punishment upon a member of the House for the discharge of his duty.[1]

It was therefore under the influence of a not unnatural feeling of indignation that Coke now rose. He went at length over the old quarrel between Elizabeth and the Pope. The Pope, he said, had discharged the Queen's subjects from their allegiance. The Jesuits had never ceased to provoke her by their conspiracies. They had practised to kill her; they had attempted to poison her. At the moment when English commissioners were treating for peace, Spain had sent the Armada. The scab which was so destructive to sheep in England came from Spain. The foulest disease by which mankind was afflicted spread over Europe from Naples, and Naples belonged to the King of Spain. From Spain nothing but evil was to be expected. The Papists flocked to the house of the Spanish ambassador, and England was in danger as long as she nourished Papists in her bosom. Let the House, therefore turn its attention to the legislation before it. The sudden grant of supply would do no good. He had heard nothing to make him think that there was any necessity for giving money at present.

Overjoyed at finding so thoroughgoing a supporter, Phelips rose once more to reiterate the arguments which he had used on the preceding day, but neither he nor Coke could lead the House astray from the point at issue. As before the adjournment, the vast majority were determined that, if by any means it could be avoided, there should be no breach with the King. It was resolved that

Resolution of the House.

[1] *Proceedings and Debates*, ii. 201, 248.

the supply for which James had asked should be granted.[1] The precise amount to be given, and the manner in which it was to be raised, should be considered in committee. To this resolution, which in itself was everything which the King could desire, two instructions to the committee were appended at which he might possibly take umbrage. The committee was directed by the one to prepare a petition asking him to end the session at Christmas, by passing the bills to which, in spite of the Lord Keeper's intimation, they intended to devote their attention; and by the other to take into consideration the state of religion, and to draw up a petition for the due execution of the laws against the Papists.[2]

The next morning, accordingly, the House went into committee. The debate which ensued is memorable for the speech in which John Pym placed himself beyond question in the first rank amongst the leaders of the House. Of the King he spoke with the utmost respect; but he feared lest his goodness had been abused by the Papists. It was his Majesty's piety which had led him to be tender of other men's consciences. Yet it must not be forgotten that whilst there were errors 'seated in the understanding,'

Nov. 28. Pym's speech in the Committee on religion.

[1] "The Commons," says Mr. Hallam (*Const. Hist. of England*, ed. 1854, i. 364), "had no reason, perhaps, to suspect that the charge of keeping 30,000 men in the heart of Germany would fall much short of the estimate. Yet, after long haggling, they voted only one subsidy, amounting to 70,000*l.*, a sum manifestly insufficient for the first equipment of such a force. This parsimony could hardly be excused by their suspicion of the King's unwillingness to undertake the war, for which it afforded the best justification." That such a sentence should have been penned by such a writer would be truly astonishing, if it related to any other period of history than one which has never hitherto been thoroughly investigated. Every word is altogether at variance with the facts of the case. The subsidy was not meant to have anything to do with the army of 30,000 men. When the answer had come from Spain and the Emperor, it would be time enough to consider how to provide for that force which might never be levied after all. What was now needed was to devote a special fund for the pay of Mansfeld's men for one or two months, in addition to the money which Frederick drew from the Dutch.

[2] *Proceedings and Debates*, ii. 206-226; *Commons' Journals*, i. 644-649.

misguiding 'practice and devotion in the manner of worshipping God,' there were others which produced effects 'to the distemper of the State.' It was for this reason that it had always 'belonged to the outward and coercive power of magistrates to restrain not only the fruit but even the seeds of sedition, though buried under the pretences of religion.' By 'the same rules of faith from whence the Papists received the superstitious part of their religion,' they were bound to opinions and practices dangerous to all princes and states which did 'not allow of their superstitions.' It was therefore to be understood that 'the aim of the laws in the penalties and restraint of Papists, was not to punish them for believing and thinking, but that they might be disabled to do that which they think and believe they ought to do.'

The speaker then proceeded to enumerate the dangers which were impending over the country. "If the Papists," he said, "once obtain a connivance, they will press for a toleration; from thence to an equality; from an equality to a superiority; from a superiority to an extirpation of all contrary religions." He therefore advised that an oath of association for the defence of his Majesty's person, and for the execution of the laws made for the establishing of religion, should be taken by all loyal subjects[1]; and that the King should be asked to issue a special commission for the suppression of recusancy.[2]

Such was the language which, as we can well believe, 'had great attention, and was exceedingly commended, both in matter and manner.'[3] Even those who are unable to find much to commend in its conclusions, may well find in it grounds upon which to base their respect for the speaker.

Pym's political position.

It is evident that such a speech stands in striking contrast with the gushing impetuosity of Phelips and with the snarl of Coke. He who spoke these words was born to be a leader of men. He was not a philosopher like Bacon, with anticipa-

[1] This was exactly what Pym afterwards carried into effect, by the Protestation of 1641.

[2] *Proceedings and Debates*, ii. 210.

[3] Chamberlain to Carleton, Dec. 1, *S. P. Dom.* cxxiv. 2.

tions crowding upon his brain of a world which would not come into existence for generations. His mind teemed with the thoughts, the beliefs, the prejudices of his age. He was strong with the strength, and weak with the weakness of the generation around him. But if his ideas were the ideas of ordinary men, he gave to them a brighter lustre as they passed through his calm and thoughtful intellect. Men learned to hang upon his lips with delight as they heard him converting their crudities into well-reasoned arguments. By listening to him they made the discovery that their own opinions—the result of passion or of unintelligent feeling—were better and wiser than they had ever dreamed. Nor was it by a mere dry intellectual logic that he touched his hearers. For if there is little trace in his speeches of that fertility of imagination which in a great orator charms and enthrals the most careless of listeners, they were all aglow with that sacred fire which changes the roughest ore into gold, which springs from the highest faith in the Divine laws by which earthly life is guided, and from the profoundest sense of man's duty to choose good and to eschew evil. Thus it came about that between this man and that great assembly a strong sympathy grew up—a sympathy which it has always refused to flashes of wisdom beyond its comprehension, but which it grants ungrudgingly to him who can lead it worthily by reflecting its thoughts with increased nobility of expression, and by shaping to practical ends its fluctuating and unformed desires.

In the speech which he had just concluded, Pym had placed the duty of persecution upon a plain and intelligible basis. No one had ever expressed so clearly the idea which had vaguely taken possession of his generation, and which was common to men whose minds were so differently constituted as those of James of England and Ferdinand of Austria—the idea, namely, that religious error was not so much to be attacked because it was hurtful to the soul and conscience, as because it undermined the constitution of the State. It is true that, except as an indication of the direction in which the current was setting, there was very little importance in the distinction. To a man who was led to the

Tolerance and intolerance.

scaffold, or immured in a prison, it was a matter of supreme indifference whether he was told that he was suffering for an offence against religion or for an offence against civil order. There can, however, be no doubt that, unsatisfactory as it was in itself, the indirect results of the new phase thus taken by persecution were most salutary. It served to impress upon men the truth, that religious persecution was a bad thing ; and before long they would open their eyes to the further truth that the recusancy laws were only religious persecution under a more subtle form.

If, indeed, Pym's lot had been cast in ordinary times, he might have learned to oppose the precautions which he was now advocating. But, in truth, the times were not ordinary. It was indeed certain that a nation like England, in which Protestantism had taken deep root, would never voluntarily throw itself back into the stifling embraces of the Church of Rome. The human mind does not work at random, and no such backward course is possible so long as liberty of choice remains. But how long would such liberty be left? If no European people which had once heartily embraced Protestantism had ever abandoned it but by compulsion, there had been many examples in which a forcible conversion had been effected by the power of the sword. When the leading minds of a people had been silenced, when thought and speech were no longer free, it would be impossible to answer for the constancy of those who were left desolate in the face of temptation.

The Spanish match.

Who could tell how soon England might be exposed to such a fate? We are perhaps inclined to think hardly of Pym and the House of Commons for seeking, as Wentworth once expressed it, to put a 'ring in the nose of Leviathan'[1] by fining the Catholic laity for their religion, by dragging their children from the care of their parents, and by mewing up within prison walls the devotion of the Catholic missionaries : but, before we condemn, let us remember that it was James who was encumbering the path of tolerance with obstacles. As if it were a light thing that the Spanish ambassador was consulted

Its effect on opinion.

[1] Wentworth to Wandesford, June 17, 1624, *Strafford Letters*, i. 21.

and trusted above all other men, a Spanish Infanta was to become the future Queen of England, and the mother of a stock of English kings. In the course of nature her child would within forty or fifty years be seated on the throne of Henry and Elizabeth. A Roman Catholic sovereign—for what else could he be?—would have the power of loosing the tongues of the Jesuits, of stopping the mouths of the defenders of the faith. All Court favour, all power of lulling men's consciences to sleep by the soporific potion of place or pension, would be in his hands. It was he who would make the judges; it was he who would make the bishops; and who might, therefore, in the language which has sometimes been attributed to James, make both law and gospel. If all other means failed, he would have at his disposal the arms of his Spanish kinsman—the lord, it might be feared, by right of England's cowardice, of half of Germany, and of the territory that had once been held by the Dutch Republic.

Nov. 29.

Such must have been the thoughts which strove for utterance in the hearts of the men who looked to Pym with visible tokens of approbation. They ordered that a petition should be drawn up for presentation to the King, and at the same time resolved without a dissentient voice, that a subsidy should be granted for the support of the troops in the Palatinate. To this subsidy recusants were to be assessed at double rates, as if they had been aliens.[1]

A petition on religion.

On December 1 the petition was brought in by the sub-committee which had been directed to prepare it. It began by representing the causes of the apprehended danger. Abroad, the King of Spain was aiming at an exclusive temporal monarchy; the Pope at an exclusive spiritual supremacy. Popery was built upon devilish positions and doctrines. The professors of the Protestant religion were in a miserable plight. His Majesty's children were treated with contempt, and the confederacy of their Popish enemies was backed by all the armies of the King of Spain. At home matters were as bad. The expectation of the Spanish marriage and the favour of the Spanish ambassador had elated

Dec. 1. Mischiefs complained of.

[1] *Proceedings and Debates*, ii. 241: *Commons' Journals*, i. 650.

the spirits of the recusants. They resorted openly to the chapels of foreign ambassadors; they were thronging up in large numbers to London; they sent their children to the Continent, to be educated in Popish seminaries. The property which had been forfeited by law was frequently restored to them; their licentious and seditious books were allowed to circulate freely; their priests were to be found in every part of the kingdom. If something were not done they would soon place themselves in opposition to the laws, and, strong in the support of foreign princes, they would carry all before them till they had succeeded in the utter subversion of the true religion.

Let his Majesty then take his sword in his hand; let him gather round him the Protestant States upon the Continent; let him direct the operations of war by diversion or otherwise, as to his deep wisdom should seem fittest, and not rest upon a war in those parts only which would consume his treasure and discourage the hearts of his subjects. Let the point of his sword be against that prince who first diverted and hath since maintained the war in the Palatinate; let a commission be appointed to see to the execution of the laws against the recusants; and for the frustration of their hopes, and for the security of succeeding ages, let the Prince be timely and happily married to one of his own religion. Let the Papists' children be educated by Protestant schoolmasters, and prohibited from crossing the seas; let the restoration of their forfeited lands be absolutely prohibited.[1]

Remedies proposed.

The petition accepted by the Committee was taken into consideration by the House on the 3rd. The debate turned almost entirely upon the clause relating to the Prince's marriage. It was opened by Sackville, who, though his hatred of Rome was undoubted, urged that any interference with the King's prerogative on a point so delicate would give offence. As a matter of political tactics, Sackville was undoubtedly in the right. If James could be brought to declare war with Spain, the marriage treaty would give no further trouble. It would be far better, there-

Dec. 3. Debate on the petition.

[1] *Proceedings and Debates*, ii. 261.

fore, to avoid for two or three months longer a topic by the introduction of which the King's touchy nature would be wounded to the quick. Still it was hardly likely that the House would allow its course to be determined on these grounds. A great evil was impending over the nation, and it was the duty of its representatives to discharge their consciences by protesting against it. They had granted a subsidy unconditionally. Even now they had no wish to impose terms on the King. One member after another rose to point out that their petition did not even require an answer. No man, during the whole course of a long and active life, showed himself a stouter champion of the prerogative than Heath, the Solicitor-General. Yet Heath expressed his approval of the petition on this very ground. He contented himself with moving that an explanatory clause should be added to convey what was evidently the general sense of the House. Phelips and Digges rose to support the proposal, and it was at once adopted without a dissentient voice.

It is adopted with an additional clause.

"This," such were the phrases with which the Commons fondly hoped to sweeten the bitter medicine which they were offering, "this is the sum and effect of our humble declaration, which—no ways intending to press on your Majesty's most undoubted and regal prerogative—we do with the fulness of all duty and obedience humbly submit to your princely consideration."[1]

Already, before the petition had been actually adopted, some one had placed a copy in the hands of Gondomar. The astute Spaniard had been invited by the King to Newmarket,[2] but had preferred to watch events in London. He now saw that his time was come. Long experience had taught him how to deal with James. The letter which he wrote was one the like of which had never before been placed in the hands of an English sovereign. Incredible as it might seem, even his own past audacity was now outdone.

Gondomar's letter to the King.

[1] *Commons' Journals*, i. 655; *Proceedings and Debates*, ii. 265, 269.

[2] Gondomar to the Infanta Isabella, Dec. $\frac{6}{16}$, *Simancas MSS.* 2558, fol. 9.

If it were not, he said, that he depended upon the King's goodness to punish the seditious insolence of the House of Commons, he would have left the kingdom already. "This," he added, "it would have been my duty to do, as you would have ceased to be a king here, and as I have no army here at present to punish these people myself."[1]

The King's displeasure.

For such insolence as this James had no sensitiveness. His annoyance with the Commons had for some days been on the increase. He had already heard with displeasure that they had resumed their investigation into the affair of Lepton and Goldsmith, and had ordered Sandys to be questioned on the reasons of his imprisonment.[2] He now, without waiting for the formal presentation of the petition, dashed off an angry letter to the Speaker.

His letter to the Speaker.

He had heard, he said, that his absence from his Parliament had 'emboldened some fiery and popular spirits to debate and argue publicly in matters far beyond their reach or capacity, and so tending to' his 'high dishonour and to the trenching upon' his 'prerogative royal.' The House was, therefore, to be informed that its members were not to be permitted to meddle with matters of government or 'with mysteries of state.' There was to be no speech of the Prince's 'match with the daughter of Spain,' or anything said against 'the honour of that king.' They must also forbear from interfering in private suits 'which have their due motion in the ordinary courts of justice.' As for Sandys, he would inform them himself that his imprisonment had not been caused by any misdemeanour in Parliament. He would have them, how-

[1] "Yo avia escrito al Rey y al Marques de Boquinguam, quatro dias antes, la sedicion y maldad que pasaba en este Parlamento, y que, sino estuviera tan seguro de la palabra y bondad del Rey que lo castigaria y remediaria con la brevedad y exemplo que convenia, me huviera salido de sus Reynos sin aguardar á tercero dia; deviendo hazello assí cumpliendo con mi obligacion, si el no fuera Rey de estas gentes, pues al presente yo no tenia aquí exercito con que castigarlos."—Gondomar to the Infanta Isabella, Dec. $\frac{6}{16}$, *ibid.*

[2] *Proceedings and Debates*, ii. 248, 259.

ever, to understand that he thought himself 'very free and able to punish any man's dismeanours in Parliament, as well during their sitting as after,' and that hereafter he should not be sparing in his use of this power 'upon any occasion of any man's insolent behaviour there.' If they had touched in their petition upon any of the topics which he had forbidden they were to be told that, 'except they reform it,' he would 'not deign the hearing or the answering it.' Finally, he was willing to end the session at Christmas, and to give his assent to any Bills which were really for the good of the commonwealth. If the Bills were not good, it would be their fault and not his.[1]

Dec. 4. It is read in the House.

On the morning of December 4 this letter was read in the House. A peremptory refusal to accept the advice tendered would have created incomparably less consternation. Even the denial of the right of the Commons to meddle with matters of foreign policy, unless their attention had been specially directed to them, might perhaps have been passed over in silence, but it was intolerable that the question of immunity from punishment for speeches uttered

[1] The King to the Speaker, Dec. 3, *Proceedings and Debates*, ii. 277. There is a letter from the Prince of Wales to Buckingham amongst the Tanner MSS. printed in Goodman's *Court of King James* (ii. 209), which seems to show that Charles went even beyond his father in his dislike of the proceedings of the Commons.

"The Lower House this day," he wrote, "has been a little unruly, but I hope it will turn to the best, for before they rose they began to be ashamed of it; yet I could wish that the King would send down a commissioner for that, if need were, such seditious fellows might be made an example to others by Monday next, and till then I would let them alone; it will be seen whether they mean to do good or persist in their follies, so that the King needs to be patient but a little while. I have spoken with so many of the Council as the King trusts most, and they [are] all of this mind; only the sending of authority to set seditious fellows fast is of my adding." The letter is plainly dated, "Fryday 3 No. 1621," without erasure or tear, as I am informed, by the kindness of Mr. Hackman, to whom I applied in order that I might be quite sure that there was no mistake. The date is of course impossible, as Parliament was not sitting at the time, and I do not find any Friday during the debates to which the Prince's remarks apply. The most likely day would be Dec. 3. But that was a Monday.

in the House should be thus reopened. Practically, it was a point of far greater importance than the other. If the King were in need of money, he would always be obliged to listen to anything that they might choose to say to him. If he were not in need of money, he could always close their mouths by a prorogation or a dissolution. But it was not to be borne that they should have the semblance of freedom without its reality, and that each member as he rose to speak should be weighted with the knowledge that he might soon be called upon to expiate in the Tower any uncourtly phrase which might fall from his lips.

Such a letter, it was at once felt, must not be answered in haste in a moment of irritation. Never, said Phelips, had any matter of such consequence been before them. The members who had been despatched to lay the petition before the King were at once recalled, and the House rose for the day, in order that full consideration might be given in private to the King's demands. "Let us rise," said Digges, "but not as in discontent. Rather let us resort to our prayers, and then to consider of this great business."[1]

Adjournment of the House.

The next morning, after a long debate, a committee was appointed to draw up an explanatory petition, and the House again adjourned, refusing to enter upon any further business till their privileges had been defended from further attack.

Dec. 5. Explanatory petition.

On the 8th, a second petition was ready to be despatched to the King. It presented a marvellous contrast to the imperious tones of the royal rescript. It pushed concession to the verge of imprudence. Touching but lightly upon the claim put forward by the Commons to take into consideration matters of general interest, it offered James a loophole of escape from the position which he had rashly assumed, by resting their right to discuss questions connected with the penal laws and the Spanish marriage upon the simple ground that they were involved in the question of the defence of the Palatinate, which he had himself commended to their consideration. They acknowledged distinctly that it was the King's

Dec. 8.

[1] *Proceedings and Debates*, ii. 278.

business, and not theirs, to resolve on peace and war, and to choose a wife for his son. They merely asked him to read their petition. It was only to the clauses which related to the recusancy laws and to the passing of bills that they expected an answer. "And whereas," they added, touching at last, as if with reluctance, upon the burning point of their own privileges, "your Majesty, by the general words of your letter, seemeth to restrain us from intermeddling with matters of government, or particulars which have their motion in courts of justice, the generality of which words in the largeness of the extent thereof, —as we hope beyond your Majesty's intentions,—might involve those things which are the proper subjects of parliamentary action and discourse; and whereas your Majesty's letter doth seem to abridge us of the ancient liberty of parliament for freedom of speech, jurisdiction, and just censure of the House, and other proceedings there; wherein, we trust in God, we shall never transgress the bounds of loyal and dutiful subjects; a liberty which we assure ourselves so wise and just a King will not infringe, the same being our undoubted right and inheritance received from our ancestors, and without which we cannot freely debate nor clearly discern of things in question before us, nor truly inform your Majesty, wherein we have been confirmed by your Majesty's former gracious speeches and messages; we are, therefore, now again enforced humbly to beseech your Majesty to renew and allow the same, and thereby take away the doubts and scruples your Majesty's late letter to our Speaker hath brought upon us."[1]

Dec. 11. Deputation of the House received by the King.

The reception accorded to the members of the deputation which carried this petition to Newmarket was far better than they expected. The King, they found, had recovered his temper, and it was only by a jest that he showed his deeply-rooted suspicion of the claims put forward by the House. "Bring stools for the ambassadors!" he cried out to the attendants as soon as the members were introduced, so as to give them to understand that he looked upon the body from which they had come as asserting nothing less

[1] *Proceedings and Debates*, ii. 289-300.

than a right to sovereign power.[1] He treated them with great familiarity, and sent them away with a long rambling letter, which he probably supposed to be sufficient to settle the question at issue.

On the 14th the King's letter was read in the House. He had expected, he said, to hear nothing but thanks for all his care to meet their wishes; but he must tell them that the clause which they had added to their petition was contrary to the facts of the case. Whatever they might say, there could be no doubt that they had usurped upon his prerogative, and had meddled with matters beyond their reach. Their protestation that they did not intend to do this was like the protest of the robber who took a man's purse, and then said that he did not mean to rob him. Their excuse that he had virtually invited them to discuss all questions bearing upon a war in the Palatinate was ridiculous. Because he had asked for money to keep up an army at present, and to raise another army in the spring, it no more followed that he was bound at once to declare war against Spain, and to break off the marriage treaty, than it followed that, if he borrowed money from a merchant to pay his troops, he was bound to take his advice on the conduct of the war. It was all very well for them to say that the welfare of religion and the state of the kingdom were matters not unfit for consideration in Parliament; but to allow this would be to invest them with all power on earth, and they would want nothing but the Pope's authority to give them the keys of heaven and purgatory as well.

Dec. 14. His answer read in the House.

Having thus disposed of the pretensions of the House, James proceeded to give his own account of the crisis on the Continent, an account in which, to say the least of it, there was as much truth as in that which had been accepted by the Commons. It was Frederick, he said, who, by usurping the

[1] "It seems they had a favourable reception, and the King played with them, calling for stools for the ambassadors to sit down."—Chamberlain to Carleton, Dec. 15, *S. P. Dom.* cxxiv. 40. Wilson makes James say, "Here are twelve kings come to me!" and, as usual, the joke thus spoiled has been repeated again and again by historians. James was shrewd enough to ascribe the claim of royal power to the collective body, not to individual members.

Bohemian crown, had given too fair an excuse to the Emperor and the Pope to ill-treat the Protestants. He denied that it was true that the King of Spain was aiming at universal monarchy. As to the Spanish marriage, he would take care that the Protestant religion received no prejudice, but he was so far engaged in it, that he could not in honour go back, unless Spain refused to fulfil her obligations. It was a calumny to say that he was cold in religion. It was impossible for them to handle such high matters. Of the details of his diplomacy, and of the intentions of the various Courts of Europe, they were necessarily ignorant. If he were hampered by their interference, foreign princes would cease to put any confidence in his word. They must therefore be satisfied with his engagement that he would do everything in his power to propagate his own religion, and to repress Popery. The manner and form must be left to him. If he accepted their advice, and began a hot persecution of the Catholics, they would soon hear of reprisals upon the Protestants abroad; but no Papist who was insolent should escape punishment, and he would do all that was in his power to prevent the education of the children of the English Catholics in foreign seminaries. Let them, therefore, betake themselves to the consideration of the bills before them. As to their privileges, he added, although he could not allow of their speaking of them as 'their ancient and undoubted right and inheritance,' but had rather that they had said that they were derived from the grace and permission of his ancestors and himself; 'for most of them grew from precedents, which shows rather a toleration than inheritance; yet' as long as they contained themselves within the bounds of their duty, he would be as careful as any of his predecessors to protect their lawful liberties and privileges. All that they needed, therefore, was to beware how they trenched on his prerogative, so as to enforce him to retrench of their privileges those 'that would pare his prerogative and flowers of the crown.' "But of this," he concluded by saying, "we hope there shall never be cause given."[1]

[1] The King to the House of Commons, Dec. 11, *Proceedings and Debates*, ii. 317.

It was indeed a hard matter to alienate the loyalty of the Commons. "If the King's answer," said Phelips, "doth not strike the affection and soul of every member of this House, I know not what will." "If anyone," exclaimed Digges, "be of opinion that our privileges are yet touched, let us first clear that; but my own opinion is that our privileges are not touched." It was finally resolved to take the King's answer into consideration on the following morning.

Reception of the King's answer.

Night, however, brought to many the belief that the crisis was more serious than had been at first supposed. In the debate which ensued, indeed, all opposition to James's foreign policy was deliberately abandoned. His declaration that he would maintain the Protestant religion was singled out for special praise. Perrot's suggestion that the King should be asked for fresh guarantees against Popery, found no echo in the House. "If we had known sooner," said Phelips, "how far his Majesty had proceeded in the match of Spain, we should not, as I think, have touched that string." If the House, however, was of one mind in its resolution to trust the King to the end as far as actual questions of policy were concerned, it was no less unanimous in its feeling that to acknowledge his theory about their privileges would be to surrender everything which made them worthy of the name of a parliament. Henceforth they would be, as James had roughly expressed it, like merchants who were asked for money, but who had no voice in its disposal. The more moderate their wishes were, the more intolerable was the King's interference; for they did not ask him even to explain his policy to them, unless he chose, much less to become in any way responsible to them for his actions. All they wanted was that he should recognise their right to lay their opinions humbly at the foot of the throne, leaving him to deal with them as he pleased, and that he should acknowledge the right of individual members to freedom of speech, without which it would be impossible for them as a body to come to an unbiassed conclusion as to the advice which they were to tender.

Dec. 15. Debate upon it.

The points thus at issue were, like so many other diffi-

culties, a legacy bequeathed by Elizabeth to her successor.

Precedents on the question.

In the Middle Ages the Commons had never carried with them sufficient weight to make the sovereign think of imposing restrictions upon debates which he had no reason to fear. With one exception in the distracted times of Richard II., and another in the equally distracted times of Henry VI.,[1] no attack had been made upon the House's right of free speech in political affairs. The object at which the Commons had been aiming was freedom from arrest upon civil process before the ordinary courts; and it was this that was finally conceded to them in the reign of Henry VIII.[2]

If, however, the question of freedom of speech in affairs of state was not openly discussed at the same time, it was simply because the members of the House did not venture to enter into a contest with the self-willed monarch. "Tell that varlet, Gostwick," Henry was once heard to say of a member who had ventured to criticize the conduct of Cranmer, "that if he do not acknowledge his fault unto my Lord of Canterbury, and so reconcile himself towards him that he may become his good lord, I will sure both make him a poor Gostwick, and otherwise punish him to the example of others." The threatened member trembled and obeyed.[3]

It was by Elizabeth that the first serious attempt was made to restrain liberty of debate upon principle. In 1562

Elizabeth's proceedings.

she contented herself with intimating her dislike of a proposal to settle the succession. In 1566 she sent a message directing the House to lay aside an address on the subject of her marriage. On this occasion, however, she thought it prudent to give way, and the debate was suffered to proceed. In 1571 she made use of fresh tactics. Instead of issuing her commands to the House itself, she ordered a member who had brought in an obnoxious Bill, to refrain from

[1] Cases of Haxey and Young, Hallam, *Middle Ages* (1853), iii. 75, 102.

[2] 4 Henry VIII. cap. 8.

[3] Morice's *Anecdotes of Cranmer; Narratives of the Reformation*, (Camden Society), 254.

attending the sittings. Again the House protested, and again the Queen gave way. In 1588 the tide turned. Two members were committed to the Tower, where they remained till after the dissolution, and in 1593 the same measure was dealt out to a larger number.[1]

To an historian, the dates of these transactions speak for themselves. In ordinary times the House had protested against the Queen's assumptions, and the protestation had not remained without effect. In times of excitement, as in 1588, when the ports of Spain were swarming with the vessels of which the Armada was to be composed, and in 1593, when the shouts of triumph were still ringing in the ears of her subjects, she had had her way. Such a view of the case, however, was not likely to be taken by James. The right to interfere had been maintained by his predecessor. His dignity would suffer if he abandoned it on any pretext whatever. The Commons, on the other hand, fell back on the necessities of their position, and the almost uninterrupted practice of earlier generations.

During the debates on the vote of supply, and on the petition for the execution of the recusancy laws, differences of opinion had not failed to show themselves in the House; but on the question which James had now unwisely raised, there was no difference of opinion whatever. It was no longer left to Phelips and Perrot to point out the weak points in the policy of the Crown. The staunchest supporters of the Government were of one mind with the popular majority. During the whole of the session, Wentworth and Sackville had distinguished themselves by the ability with which they had enforced the necessity of keeping on good terms with the King. Yet Wentworth and Sackville now stood forth to declare that the liberties of Parliament were the inheritance of Parliament; and so strong was the current, that even a mere courtier like Sir Henry Vane was carried away by it. He had no doubt, he said, that their liberties were their inheritance. Even Heath declared himself to be of the same opinion. But if the House was of one mind in its refusal to sacrifice its own independence, and the independence

Unanimity of the House.

[1] Hallam, *Const. Hist of England*, i. ch. 5.

of future generations, it was no less of one mind in its desire that a quarrel with the King should, if it were still possible, be avoided. Wentworth threw out a suggestion that, instead of carrying on an endless controversy with James, the House should content itself with entering a protestation upon its own journals.[1] Coke said that perhaps the offensive words were a mere slip of the pen, excusable at the end of so long a letter, and the explanation thus offered was thankfully accepted by Calvert. It was finally resolved that the House should go into committee at its next sitting, in order to take its privileges into consideration.[2]

The following day was a Sunday, and James had thus sufficient time to consider his position calmly. From his present difficulties Williams's ready tact might even now have saved him, if he would have listened to reason. The privileges of the House, wrote the Lord Keeper, were originally granted by the favour of princes. But they were now inherent in the persons of its members. Let his Majesty declare as much, and let him add that he had no wish to impair or diminish them, and all controversy would be at an end.[3]

Dec. 16. Advice of Williams.

It was too late. Far away from such counsellors as Williams and Digby, with Buckingham ever pouring poison into his ear,[4] James was incapable of adopting frankly the good advice which had been offered.[5] It was not in his nature to look a difficulty fairly in the face, and though he had no wish to enter upon a quarrel with the Com-

The King's letter to Calvert.

[1] So I understand the Notes in the Commons' Journals, and this interpretation would be placed beyond doubt if a speech, which has been preserved in Edmondes's handwriting (*S. P. Dom.* cxxiv. 22) be, as I suppose, the one which Wentworth uttered on this occasion.

[2] *Commons' Journals*, i. 664; *Proceedings and Debates*, ii. 330.

[3] Williams to Buckingham, Dec. 16, *Cabala*, 263.

[4] Gondomar to the Infanta Isabella, $\frac{\text{Dec. 22}}{\text{Jan. 1}}$, *Simancas MSS.* 2558, fol. 8.

[5] "Miss Aikin," says Mr. Forster (*Life of Pym*, 24, note 2), "is in error in supposing that this was written before the despatch of the King's letter." It is not a point of any great importance, but the internal evidence is in favour of the supposition that the King, in writing to the House, had Williams's letter before his eyes. Nor is there any difficulty in supposing that this was the case, excepting that Williams refers to something which had passed in the afternoon. The King, however, was now at Royston, only

mons, he could not make up his mind either to define distinctly the rights which he claimed, or to abandon a phraseology which he considered to contribute to his dignity.

He had heard, he wrote to Calvert, of the intention of the Commons to appoint a committee, and he therefore wished him to tell them not to misspend their time. He was quite ready to give an explanation of his words. The plain truth was that he could not endure to hear his subjects using such an anti-monarchical expression as when they called their liberties their ancient right and inheritance, without adding that they had been granted by the grace and favour of his ancestors. "But as for our intention therein," he went on to say. "God knows we never meant to deny them any lawful privileges that ever that House enjoyed in our predecessors' times, as we expected our said answer should have sufficiently cleared them; neither, in justice, whatever they have undoubted right unto, nor, in grace, whatever our predecessors or we have graciously permitted unto them; and therefore we made that distinction of the most part; for whatsoever liberties or privileges they enjoy by any law or statute shall be ever inviolably preserved by us; and we hope our posterity will imitate our footsteps therein; and whatsoever privileges they enjoy by long custom and uncontrolled and lawful precedents, we will likewise be as careful to preserve them, and transmit the care thereof to our posterity; neither was it any way in our mind to think of any particular point wherein we meant to disallow of their liberties, so as in justice we confess ourselves to be bound to maintain them in their rights; and in grace we are rather minded to increase than infringe any of them, if they shall so deserve at our hands." [1]

Dec. 17.

Evidently, James fancied that he had made every reason-

thirty-eight miles from London, and if Williams despatched his messenger at three o'clock the letter would be delivered at least by nine. That the King's letter was written late, there is a piece of evidence which Mr. Forster appears not to have seen. In a letter to Buckingham, written on the following day (*Harl. MSS.* 1580, fol. 120), Calvert speaks of it as 'that gracious letter which I received from his Majesty this morning,' and it was therefore, without doubt, written the preceding evening.

[1] The King to Calvert, Dec. 16, *Proceedings and Debates*, i. 339.



BOROUGH OF LEWISHAM BROCKLEY BRANCH

able concession. He had, at Williams's suggestion, lowered his demands till he asked for nothing more than a mere polite acknowledgment of a historical fact. But he had not adopted Williams's suggestion that he should himself acknowledge that time had converted privileges which were once precarious into rights inherent in the persons of the members of the House. He allowed it to be seen that, though he had no intention of putting forth his powers of interference with the present House, he refused to abandon the rights which he supposed himself to possess. What those rights precisely were he did not think fit to state, and it is probable that if he had attempted to do so it would have appeared at once that his pretensions were incompatible with those of the House. Now that the question had been stirred, the Commons, with every desire to make their peace with the King, were driven to ask for more than this.

No sooner, therefore, was the letter read in the House on Monday morning, than Coke rose. Rugged and irascible as he was, he had an ingrained reverence for his Sovereign, and from the very commencement of the session he had aimed at bringing about a close union between the King and the Houses, by the simple process of inducing both to accept the doctrines which he himself pronounced to be right. He now stood forth as a peacemaker, by giving his support to the proposition which had been made by Wentworth at the last meeting. The King's message, he said, contained an allowance of all their privileges. For they claimed nothing but what was theirs already by law, by precedent, and by Act of Parliament. What was needed now was to know precisely what those privileges were. If they were to set them down in writing, it would clear them of all these rubs.[1]

Dec. 17. Coke's proposal.

The next morning, just as the members were preparing to take Coke's proposal into consideration, they were met by one more letter from the King. If they wished, he said, to have the session ended at Christmas, they must go to business at once. If they did that, he would be willing to postpone the passing of the Subsidy Bill till the next session.[2]

Dec. 18. The King's offer to relinquish the subsidy.

[1] *Proceedings and Debates*, ii. 341.

[2] The King to the Speaker, Dec. 17, *Proceedings and Debates*, ii. 350.

Such a letter was a direct insult to the Commons. James, it seemed, was prepared to bribe them into a surrender of their privileges by relinquishing a grant of money which his ministers, speaking again and again in his name, had declared to be absolutely needed for the defence of the Palatinate. Yet such was the temper of these loyal subjects, that they refused to see what the King meant. They sent a deputation to thank him for his gracious letter, and, after intimating that they would prefer a simple adjournment, proceeded to appoint a sub-committee to draw up the protestation suggested by Wentworth and Coke.

Those who were entrusted with the duty knew that their time was short. The next morning the Parliament might be adjourned or prorogued, and the opportunity would be gone. It was, therefore, ordered that the House should meet in the afternoon to receive the protestation.

By the dim candle-light in the gloom of that December afternoon, the Commons—ready as they were, in the warmth of their inflexible loyalty, to trust their King with everything save with those liberties which, handed down to them from generations, had been sometimes infringed, but never, save in a moment of thoughtlessness, relinquished—laid claim to the rights which, for the sake of themselves and their posterity, they dared not abandon.

The Protestation.

"The Commons now assembled in Parliament," so ran this memorable protest, "being justly occasioned thereunto, concerning sundry liberties, franchises, and privileges of Parliament, amongst others not herein mentioned, do make this protestation following :—

"That the liberties, franchises, privileges, and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the King, state, and defence of the realm and of the Church of England, and the making and maintenance of laws, and redress of grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in Parliament; and that in the handling and proceeding of those businesses every member

of the House hath, and of right ought to have, freedom of speech, to propound, treat, reason, and bring to conclusion the same :—

"That the Commons in Parliament have like liberty and freedom to treat of those matters, in such order as in their judgments shall seem fittest, and that every such member of the said House hath like freedom from all impeachment, imprisonment, and molestation other than by the censure of the House itself, for or concerning any bill, speaking, reasoning, or declaring of any matter or matters, touching the Parliament or Parliament business ; and that, if any of the said members be complained of and questioned for anything said or done in Parliament, the same is to be shewed to the King by the advice and assent of all the Commons assembled in Parliament, before the King give credence to any private information." [1]

In the preceding debates, it had been suggested by some speakers that the protestation should be laid before the King. The House would not hear of it. There was to be no attempt to bandy words with their Sovereign any further. He might, if he pleased, consider that nothing more had been done than to carry out the suggestions of his own letter. He should not be asked to retract or to explain away his words. The protestation was simply to be entered on their Journals, there to remain as of record.[2]

It is entered on the journals.

The House by which this protestation was adopted was, as James afterwards contemptuously asserted, not a full one. Some may have stayed away through fear of offending the Court ; but there may well have been others whose minds were distracted by opposing duties. There can have been few who really expected anything else than a rupture with the King after the step which was being taken, and it was certain that a rupture with the King would cloud the prospects of an English intervention in the Palatinate. Yet, much as we must sympathize with the feeling which urged these men to risk the loss of their own privileges in the defence of the Con-

Its value.

[1] *Proceedings and Debates*, ii. 359. [2] *Ibid.* ii. 360.

tinental Protestants, it is indubitable that those who saw their first duty in the needs of their own country, chose the better part. Even if there had been more chance than there was that anything worthy of England would be effected by James upon the Continent, the cause of political liberty at home was at least as worth struggling for as the cause of such religious liberty as was represented by Frederick abroad. It is, indeed, true, that to us who look upon the dispute with the assistance of a long series of historical investigations, there is something unreal in the weapons which were used on both sides. The privileges of the House, growing up as they did in the midst of the living forces by which the constitution was moulded, and swaying backwards and forwards with the fortunes of contending parties, were certainly not acquired, as James asserted, by the mere grace and permission of the Crown. Nor can they be said, at least to the extent to which they were claimed by the House of Commons, to be the ancient and undoubted inheritance of Englishmen. There had been times when the Lower House had been far too weak to take up the prominent position to which it was now entitled ; but in its spirit, at least, the assertion made by the House of Commons was true to the fullest extent. By the old constitution of England, long before the Norman Conquest placed its mark for good and for evil upon our polity, the burden of government had been shared between the kings of English race and that free assembly which was formed promiscuously, and as it were by hazard, out of all classes of the community. Nor had the change which followed upon the defeat of Hastings effected any permanent alteration. If the voice of the ordinary freeman was no longer to be heard, still the Great Council gathered round the Sovereign, ready to vindicate, sword in hand, any attempt to crush down into silence the voice of the Norman Baronage. When once more the Commons appeared by representation on the scene, it was not at first to take the government of the nation into their hands, but to add weight by their voices either to the Crown or to the nobility in turn. That the position which they now claimed was in some respects new it is impossible to deny. They, and not the

lords, stepped forth as the representatives and the leaders of the English nation. All precedents of ancient freedom and right now centred in them. It was nothing to them that their predecessors in the Plantagenet reigns had sometimes spoken with bated breath, and had often been reluctant to meddle with affairs of state. It was for them to take up the part which had been played by the barons who had resisted John, and by the earls who had resisted Edward. Here and there, it might be, their case was not without a flaw; but the spirit of the old constitution was upon their side. The rights which they demanded had been sometimes in abeyance, but had never been formally abandoned. What was more to the purpose, it was absolutely necessary that they should be vindicated if England was any longer to be a land of freemen. If they were lost, the last refuge of free speech was gone. At the will of the King the clergy could be disciplined, and the judges could be dismissed. At the will of the King, books could be suppressed, and their authors imprisoned. Within the walls of Parliament alone could words be spoken which must reach his ears, and not only did he refuse to listen to those words, but he claimed the right of punishing those by whom they were uttered. If this claim were allowed, all other liberties were at an end. If it were successfully resisted, all other liberties, civil and religious, would revive and flourish.

To lead his subjects, or to be thrust aside by them, is the choice set before every man who attempts to govern men. James, at his very best—and in listening to Digby's counsel he was at his very best—could never govern England. All that he could do was to set up barricades, by which to thwart and hamper the onward march of those who were stepping into his place.

The last sitting of the House on the morning of the 19th passed off quietly. The Commons were told that in compliance with their request, Parliament would be adjourned till February. They were able to separate with a dim hope that their efforts to serve both their King and their country had not been thrown away.[1]

Dec. 19. The last sitting.

James took some days to consider what he would do. At

[1] *Proceedings and Debates*, ii. 361.

last, when the Christmas festivities were over, he made up his mind. He would be every inch a king. No tongue should move in England but by his permission. On the 30th of December he came to Whitehall, sent for the journals of the House, and in the presence of the Council and of the Judges, tore out with his own hands the obnoxious page on which the protestation was written.[1] Seven years before he had presided over the operation of burning the written arguments with which the leaders of the Commons were prepared to assail his claim to levy impositions without consent of Parliament, and he had heard no more about the impositions. He hoped now that he would hear no more about liberty of speech.

Dec. 30. The King destroys the protestation.

Although after such an act as this there could hardly be any further question whether Parliament should be dissolved or not, James affected to seek the advice of his Council. There was, indeed, one argument against a dissolution by which the King was touched most nearly. The Subsidy Bill had not passed, and the Exchequer would be the poorer by 70,000*l*. Yet so decidedly had James declared his wishes, that no one ventured openly to oppose them. For some time the Councillors sat gloomily regarding one another in silence. At last Pembroke's voice was heard. "The King," he said, "has declared his will; it is therefore our business not to dispute but to vote." "If you wish to contradict the King," replied Buckingham, tauntingly, "you are at liberty to do so, and to give your reasons. If I could find any reasons I would do so myself, even though the King is present." Pembroke held his tongue. The assent of the Council was given in silence to a measure which they justly felt to be now inevitable. As soon as the decision had been taken, Buckingham hurried to Gondomar, to congratulate him on the result.[2]

Dissolution of Parliament decided on.

With mingled scorn and exultation, the Spaniard had

[1] *Parliamentary History*, i. 1362.

[2] After the King had declared his intention, 'ninguno se atrebió á contradizelle, mas de que el Conde de Pembruc, Comerero Mayor, gran Puritano, dijo que havia que votar no disputar, pues el Rey havia declarado

been watching day by day this pitiable exhibition. "It is certain," he wrote, a day or two after the adjournment, "that the King will never summon another Parliament as long as he lives, or at least not another composed as this one was. It is the best thing that has happened in the interests of Spain and the Catholic religion since Luther began to preach heresy a hundred years ago. The King will no longer be able to succour his son-in-law, or to hinder the advance of the Catholics. It is true that this wretched people are desperately offended against him; but they are without union amongst themselves, and have neither leaders nor strong places to lean upon. Besides, they are rich and live comfortably in their houses; so that it is not likely that there will be any disturbance." "The King," he wrote, a day or two later, "seems at times deeply distressed at the resolution which he has taken to leave all and to attach himself to Spain. Yet he sighs deeply, and says that if he acts otherwise these Puritan malcontents will cause him to die miserably."[1]

Gondomar's triumph.

Even now James could not make up his mind to issue the proclamation dissolving Parliament. As the critical moment approached, he himself perhaps felt more keenly the importance of the step which he was about to take. Gondomar took good care to widen the breach between the King and the leaders of the House.[2] He had lost no opportunity of urging

su voluntad, á que el Marques de Boquinguam replicó que, si queria contradezir á la voluntad del Rey, lo hiziese, y diese razones para ello;—que él hiziera lo mismo si las hallara, aunque su Magestad se hallava ally presente; con que el Conde calló, y lo aprobó, y los demas; y luego vino el Marques a darme quenta de todo con gran gozo del subceso, y con razon, porque a sido la llave para abrir y obrar todo lo bueno que de aquí se puede esperar en servicio de Dios y de Vuestra Majestad sin oposicion, en que el Marques de Boquinguam á tenido gran parte, y merece muchas gracias.' Gondomar to Philip IV., Jan. $\frac{21}{31}$, *Simancas MSS.* 2518, fol. 20.

[1] Gondomar to the Infanta Isabella, $\frac{\text{Dec. } 22,\ 23}{\text{Jan. } 1,\ 2}$, $162\frac{1}{2}$, *Simancas MSS.* 2558, fol. 7, 11.

[2] Gondomar to Philip IV., Jan. $\frac{21}{31}$, 1622, *Simancas MSS.* 2518, fol. 29.

James to punish them for their insolence, and his efforts were unhappily crowned with success.

Imprisonment of Coke,

Coke was the first to be sent for. That a Privy Councillor should have done what he had done was a special cause for irritation. On December 27 he was committed a close prisoner to the Tower, and Sir Robert Cotton and two other persons were commissioned to search his papers. It was given out at first that he was not questioned for anything that he had done in Parliament, but it was impossible long to keep up the deception. In a few days two other members of the House, Phelips, who had been foremost in the onslaught upon Spain, and Mallory, of whose special offence we are ignorant, followed Coke to the Tower.[1] Pym was also ordered to place himself in confinement in his own house in London. Three months later he was allowed, on the plea of ill health, to exchange the place of his restraint for his country house in Somerset.[2]

1622. January. of Phelips and Mallory.

Treatment of Pym,

For Sir Dudley Digges and one or two others a punishment was invented against which they would find it difficult to complain. They were named members of a commission which was about to be sent over to investigate the grievances of Ireland. It is true that their expenses were to be paid; but James judged rightly that they would prefer keeping Christmas amongst their families, at their own expense, to a compulsory tour in the depth of winter amongst the Irish bogs.

of Digges, and others.

After the imprisonment of Phelips and Mallory all James's hesitation was at an end. In spite of Pembroke's renewed entreaties, the proclamation dissolving Parliament appeared on January 6. That day had almost been the last of James's reign. Riding in the park at Theobalds in the afternoon, his horse threw him into the New River, so that 'nothing but his boots were seen.' Sir Richard Young jumped

Parliament dissolved.

[1] Chamberlain to Carleton, Jan. 4, 1622. Locke to Carleton, Jan. 12, *S. P. Dom.* cxxvii. 8, 26. The three prisoners, as will be seen, were released in the following August.

[2] *Council Register*, April 20, 1622.

into the water and pulled him out. He was well enough to ride home, was put into a warm bed, and got up the next day none the worse for the accident.

In the proclamation now issued, James attempted to throw the blame of what had happened on a few of the leaders of the Commons. "Some particular members," he said, "took such inordinate liberty not only to treat of our high prerogative, and of sundry things that without our special direction were no fit subjects to be treated of in Parliament, but also to speak with less respect of foreign princes, our allies, than was fit for any subject to do of any anointed king though in enmity and hostility with us." They had disputed on 'words and syllables of' his letters, and they had claimed, 'in ambiguous and general words,' privileges which derogated from the rights of the Crown, possessed not only in the times of earlier kings, 'but in the blessed reign of' his 'late predecessor, that renowned Queen, Elizabeth.'[1]

James's defence of his conduct.

This at least must be conceded to James, that the rights which he claimed were rights of which, as he said, 'he found his crown actually possessed.' Unfortunately for him, he could not see that the legacy which Elizabeth had left him was one of a nature to do him more harm than good.

Of all to whom the dissolution of Parliament brought anxiety and grief, there was not one who was more competent to estimate the ruinous consequences of James's blunder than Digby. When he first returned from the Continent he soon discovered that his great designs would find no favour with Buckingham. One day, it is said, as he was speaking in the Council of the courtesy which he had received from the Emperor, the favourite expressed his astonishment that he had repaid it so ill. "When I receive courtesy as a private man," answered Digby, with that quiet dignity which never left him, "I strive to repay it by personal services; but, as a man of honour, I will never repay it at my master's cost."[2]

Digby's policy.

[1] Mead to Stuteville, Jan. 10. Meddus to Mead, Jan. 11, *Harl. MSS.* 389, fol. 127, 129.

[2] Tillières' despatch, Nov. $\frac{15}{25}$, 1621, *Raumer*, ii. 319.

One attempt Digby had made to avert the catastrophe which he dreaded. On December 14 he had entreated the Lords to demand a conference with the Commons, with the object of pleading once more the imminence of the danger in Germany. If money, he said, had been sent liberally to the Palatinate, immediately upon his return, the whole face of affairs would have been changed. The Princes of the late Union, the Elector of Saxony, the Kings of Denmark and Sweden would have rallied to the standard set up in opposition to the encroachments of the Emperor. In the request thus urged the Lords at once acquiesced. It was now, however, too late, as Parliament had been adjourned before Digby could find an opportunity of stating his case to the Lower House.[1]

His vexation.

The dissolution of Parliament was a crushing blow to Digby. He at least knew better than to cherish the delusion which had imposed upon James. In conversation with those friends in whose secrecy he could confide, his language was most desponding. It had pleased the King, he said, to quarrel with his subjects, and not even to argue with them on the offers which they had made, with the intention of doing him all the service that he could desire. If he had listened to his Parliament, he might have laid down the law in Europe. As it was, he would have to obey the King of Spain; and he must not be surprised if, now that he had no other arms in his hands than supplications, his diplomacy turned out as badly at Madrid as it had done at Vienna. To James himself Digby conveyed the same lesson in a more courtly form. As long as there had been any doubt, he said, of the turn which affairs would take, he had recommended that England should remain on good terms with the enemies of Spain. Now, however, he must tell him that he would ruin himself if he did not place himself altogether in the hands of the Spanish Government.[2]

[1] *Parliamentary History*, i. 1365. Gondomar to the Infanta Isabella, $\frac{\text{Dec. } 22}{\text{Jan. } 1}$, $162\frac{1}{2}$, *Simancas MSS.* 2558, fol. 8.

[2] Gondomar to the Infanta Isabella, $\frac{\text{Dec. } 22}{\text{Jan. } 1}$, $162\frac{1}{2}$, *Simancas MSS.* 2558, fol. 8.

Whatever face he might put upon the matter in public, Digby knew that he had failed, and that the victory had been won by his Spanish rival. So signal, indeed, was his defeat, that, but for the credit which he subsequently acquired by his resistance to the arrogance of an unpopular favourite, his name would probably have passed out of the memory of all but a few diligent students of the bye-paths of history. Yet if the worth of a statesman be judged rather by that which he is than by that which he is permitted by circumstances to accomplish, it is absurd to think of a man like Gondomar as entering into competition with him for a moment. If it be the true test of statesmanship to know the wants of the age, and to remove gently and firmly the impediments which stand in the way of their satisfaction, then are all Gondomar's momentary triumphs beneath contempt. With great knowledge of human nature, and with a transcendent power of playing upon the hopes and passions of his instruments, he gained from fortune the fatal boon of success. He wrested the solution of the great European problem from the hands of the King of England, to transfer it to the hands of his own master. But that was all. In the unreal atmosphere in which he lived, in his utter blindness, not merely to the religious strength of Protestantism, but to the physical forces which it could command, he did his best to urge on the Spanish Government and nation to an impossible enterprise—to the conversion, half by force and half by cajolery, of all that remained Protestant in Europe. With what results to Spain the effort was attended it is unnecessary to say.

Comparison between Digby and Gondomar.

To Digby's clear eye such a blunder was impossible. Weighing each element in the European crisis at its just value, detecting the strength and the weakness alike of friend and foe with singular impartiality, he turned neither to the right nor to the left, from love of popular sympathy or from the hope of royal favour. No statesman of his age held opinions so little in harmony with the theories which prevailed in the House of Commons. No minister of James refused so utterly to compromise his dignity by stooping to flatter Buckingham. And now, in 1621, the chance was

offered him, a chance which was never to return, of settling European society upon a permanent basis, whilst it was still unexhausted by the prolonged agony of the impending conflict. By fixing a territorial limitation to the two religions, he would have removed the causes of religious war. That he would have placed his own country at the head of European nations is indubitable. But he would have done more than that. He would have woven closely the bonds which still attached the hearts of the people to the throne of the Stuarts. James's love of peace, and the warlike zeal of the Lower House, would equally have served his purpose; for he would have taught the Sovereign and his subjects to work together for a common end, and to learn to bear each with the other's weakness, and to understand each the other's strength.

It may be that in any case all this would have been but a dream. Even Digby could hardly have hoped to bend all the opposing elements of the strife to his will. It was, perhaps, not merely James's petulant vanity which ruined his hopes; but at least he deserved success as few have ever done. When England looks around her for guides in the thorny path of foreign policy, it would be well for her to think for a moment of the forgotten statesman who, in more propitious times, would have graven his name upon the tablets of history in lines as firm as any which have been drawn by the Pitts and the Cannings, whose names have become amongst us as household words.

## CHAPTER XL.

### THE WAR IN THE LOWER PALATINATE.

The new year.

THE new year opened under unpropitious auspices. There were few who did not acknowledge with a sigh that the times were evil, and that reformation was slow in coming. "I am ready to depart," said the dying Sir Henry Saville, "the rather that having lived in good times, I foresee worse."[1] The dissolution of Parliament fell like a blight upon all who had fancied that England was to be an instrument for good in Europe. Buckingham's passionate self-will, it seemed, was to rule supreme, so far at least as he was anything more than an unsuspecting tool in the hands of Gondomar.

Gondomar's plan for breaking the blockade of the Flemish ports.

One success alone was wanting to crown the diplomatic career of the Spanish ambassador. He had, as everyone but James knew, made active interference in the Palatinate impossible. It would be a master-stroke of policy if he could embroil England with the Republic of the Netherlands. He had watched with pleasure the preparations which James was making in defence of what he called his honour in the narrow seas, and had constantly urged him to lose no time in breaking the Dutch blockade of the Flemish harbours. Nor was he content with trusting to the uncertain activity of James. Some English merchants, careless of public opinion, had proposed to allow the ambassador to hire from them eight or ten ships ready manned, to be employed in opening the ports. James at once gave his consent; and Gondomar, to whom anything was acceptable

[1] Chamberlain to Carleton, Feb. 16, 1622, *S. P. Dom.* cxxvii. 101.

which would bring Englishmen into collision with the Dutch, threw himself heartily into the scheme. He had, however, forgotten to ask the consent of the English people. Not a sailor would agree to serve on board his vessels, and in the end he was compelled to abandon the design.[1]

Yet, if he was baffled here, Gondomar had still reason to hope that his work would be done by James. The Dutch Commissioners, whose coming had been so long expected, arrived at last in November. After some delay a negotiation was opened for the restitution of the value of the English goods which had been seized in the East. The Commissioners professed their readiness to make good the losses of the East India Company; but as the articles in question had been brought to Europe by Dutch vessels, they claimed to make a deduction of 130*l.* per last for freight. By the English negotiators the justice of the demand was acknowledged in principle; but the amount claimed was pronounced to be exorbitant: 25*l.*, or at most 28*l.*, it was said, was the usual payment. They were, however, ready, for the sake of peace, to go as far as 35*l.* The Dutch refused to abate a penny of their original demand, and, for the time at least, the negotiations were broken off.[2]

November. The Dutch Commissioners in England.

1622. February.

That James should have been deeply annoyed by the exorbitant pretensions of the Dutch, was only natural; but it showed little perception of the relative value of the objects for which he was striving, that he should, at this critical moment, have revived the project for a joint attack by England and Spain upon the territories of the Republic. Yet there can be no doubt that before the month of January was at an end, Digby had received instruc-

January. Proposed attack upon the Netherlands.

[1] Philip IV. to the Infanta Isabella, $\frac{\text{Nov. } 23}{\text{Dec. } 3}$, 1621, *Brussels MSS.*; Salvetti's *News-Letters*, $\frac{\text{Jan. } 25}{\text{Feb. } 4}$, Feb. $\frac{1}{11}$. Gondomar to Philip IV., Jan. $\frac{21}{31}$, *Simancas MSS.* 2518, fol. 20. The Dutch Commissioners to the States-General, Feb. $\frac{11}{21}$, *Add. MSS.* 17,677 K. fol. 192.

[2] The Dutch Commissioners to the States-General, Feb. $\frac{11}{21}$, *Add. MSS.* 17,677 K. fol. 192; *Council Register*, Feb. 9.

tions to bring forward such a proposal at Madrid as soon as the marriage treaty was concluded.[1]

It would, however, be long before that period arrived ; and in the meanwhile more legitimate efforts might be made to obtain redress. When James's ill-feeling was at its height, news came that two Dutch ships returning from the East had been seen passing Plymouth. Orders were accordingly given to Oxford, who had been appointed to the command of the fleet in the narrow seas, and who had hurried down to Dover to take the command, charging him to do his best to intercept them. But Oxford was either unlucky, or had no heart in the business, and the vessels found their way safely into a Dutch port.[2]

Attempt to seize two Dutch ships.

Unsuccessful as the attempt had been, it was not without effect upon the Commissioners. They had no wish to see their East India ships running the gauntlet of a hostile squadron, and they wrote to the Hague, asking permission to yield the point at issue. Their request was at once granted. No sooner had the answer arrived, than they went through the form of demanding an audience of James, and of assuring him that they withdrew their pretensions, in deference to his superior wisdom. They were just in time. Scarcely had the concession been made when news arrived that a Dutch East Indiaman had been captured in the Channel by two ships of the royal navy. Fortunately, James was now again in a good humour He told the Commissioners that their ship had been taken by mistake ; that it should be immediately restored ; that he had recalled the Earl of Oxford ; and that he wished

March. Capture of a third ship.

Oxford recalled.

[1] The fourth point of his instructions, wrote Gondomar to Philip IV. on Jan. $\frac{21}{31}$, "es tratar con V. Mag$^{d}$. de la reducion de las provincias de Olanda, y hazer para esto muy estrecha liga offensiva y deffensiva, dandole V. Mag$^{d}$. algo á este Rey desta empeñada." The statement is corroborated by frequent cautious allusions in Digby's despatches, and by a paper of instructions to him and to Buckingham, which will be mentioned in its proper place.

[2] Salvetti's *News-Letters*, Feb. $\frac{1}{11}\frac{15}{25}$.

for nothing better than to be on good terms with the Republic.[1]

The negotiations with the Dutch were at once resumed. The recall of Oxford was received with enthusiastic demonstrations of joy, not because he was himself hostile to the Dutch, but because he was known to be under orders to act against them. So deeply had the hatred of Spain penetrated that amongst those whose faces were beaming with delight were to be seen merchants who had suffered considerably from the unprovoked attacks of the Dutch in the East.[2]

Yet it was from no friendly feeling towards the Netherlands that James had decided upon recalling Oxford. Gondomar had long been pleading for the removal of a commander whom he had represented as a great Puritan, and a pensioner of Holland.

His imprisonment.

Oxford was probably not a pensioner of Holland, and it is certain that, excepting in the political sense of the word, he was not a Puritan; but he detested Spain from the bottom of his heart, and he at least knew well to whose influence his recall was to be ascribed. He was not a man to measure his words. England, he was heard to say, was altogether ruined. They had a King who had placed his ecclesiastical supremacy in the hands of the Pope, and his temporal supremacy in the hands of the King of Spain. James was now nothing better than Philip's viceroy. This violent language was soon reported at Whitehall. The Earl was immediately sent to the Tower, and James talked of bringing him to trial for high treason, and of cutting off his head.[3]

Whilst still at large, Oxford had found an opportunity of

[1] The Dutch Commissioners to the States-General, Feb. $\frac{11}{21}$, March $\frac{19}{29}$, $\frac{\text{March } 29}{\text{April } 8}$, *Add. MSS.* 17,677 K, fol. 192, 195, 204. Calvert to Carleton, Feb. 7, March 6, 24, April 3. Carleton to Calvert, March 9, *S. P. Holland.* Salvetti's *News-Letter*, March $\frac{15}{25}$.

[2] Salvetti's *News-Letter*, $\frac{\text{March } 22}{\text{April } 1}$.

[3] Gondomar to Philip IV., May $\frac{6}{16}$, *Simancas MSS.* 2603, fol. 35.

showing that his contempt for the King extended to the favourite. Early in the preceding year it had been rumoured that a bargain had been struck, in accordance with which a young gentleman of the bedchamber named Wray, who had managed to secure the goodwill of Buckingham, was to marry Elizabeth Norris, the daughter and heiress of the newly-created Earl of Berkshire. Time passed away, and a new arrangement was made. The young lady was now to be the wife of Christopher Villiers, whose previous wooing had ended in grievous disappointment. The match appeared to be the more advantageous as her father had recently committed suicide, and had left her in actual possession of his estates. As usual, however, the very name of Buckingham's brother as a suitor was received with every mark of disapprobation by the lady to whom his addresses were paid. Elizabeth Norris, it would seem, had not cared much for Wray; but anything was better than to become the wife of Christopher Villiers. One morning she slipped away from the house of the Earl of Montgomery, under whose charge she was living, and before anyone had time to interfere, was married to her last year's lover. Oxford, it was said, was privy to the plot; and it was in his house that the young couple took refuge as soon as the wedding was over.

Marriage of Elizabeth Norris.

James was very angry; but all that he could do was to turn Wray out of his place in the bedchamber, and to leave the unlucky wooer to console himself as best he might. Another member of the great house, Sir William Fielding, the plain country gentleman who had had the good luck to marry Buckingham's sister in the days of her poverty, had in 1620 been raised to the peerage as Baron Fielding. He was now to be known by the higher title of Viscount Fielding, and had lately, by Cranfield's resignation, become Master of the Wardrobe.[1]

Whilst the doors of the peerage were thus flung open to Buckingham's relations, the favourite continued to measure all public business by the scale of his personal interests and antipathies. Not long after Bacon's return to Gorham-

[1] Chamberlain to Carleton, March 30. Locke to Carleton, March 30. *S. P. Dom.* cxxviii. 96, 97.

bury, in the preceding summer, he had received an intimation that his great patron was desirous of purchasing the remainder of his lease of York House. The proposal, Buckingham may well have thought, was not likely to meet with a refusal; for the house was too large to be any longer suitable for Bacon in his straitened circumstances, and any other man in his position would have been only too glad to rid himself of the incumbrance. But Bacon, as was so often the case when any question of expenditure was mooted, allowed his feelings to get the better of his reason. The house had been his father's; there he had been born, and there he wished to die. His wife liked the place, and he could not turn her out of doors.[1] Buckingham was highly incensed at the rebuff; yet he did not break out openly into a passion. He preferred putting himself ostentatiously forward as Bacon's protector. At his intercession the heavy parliamentary fine of 40,000*l.* was made over to trustees of Bacon's own nomination.[2] A few days later, the virtual remission of the fine was followed by a general pardon, which, though the penalties imposed by Parliament were excepted from its operation, left him free from any further molestation on account of irregularities committed during his official career;[3] and this pardon was obtained by Bacon in spite of the opposition of Williams, who was naturally anxious, on the eve of the reassembling of Parliament, not to give offence to the House of Commons.

1621. Bacon at Gorhambury. October. Question of the sale of York House. Bacon's fine remitted. He receives a general pardon.

Buckingham probably still hoped to carry his point by a mixture of friendliness and severity. He knew well that the clause in Bacon's sentence which prohibited him from coming within twelve miles of the Court was most distasteful to him. At Gorhambury the cold

But is not allowed to live in London.

[1] Buckingham to Bacon, Oct. 12 (?), 1621. Lennox to Bacon, Jan. 29. Bacon to Lennox, Jan. 30 (?), 1622. Bacon's *Letters and Life*, vii. 305, 326, 327.

[2] Grant to Hutton and others, Oct. 14, 1621. *Patent Rolls*, 19 Jac. I., Part 16.

[3] Pardon, October 17, 1621. *Patent Rolls*, 19 Jac. I., Part 16.

blasts of winter were far too keen for his enfeebled constitution, and he was now earnestly pleading for the extension of a temporary permission to visit London which had recently been accorded to him. In this, however, Buckingham, as he soon found, would give him no help. He would not even see him. Bacon might keep the lease of York House in his hands, if he pleased, but he should not live under its roof.

For the time, indeed, there were special reasons for refusing Bacon's request. Whilst Parliament was sitting, James might well fear that the late Chancellor's presence in London would 'be a general distaste to the whole state'; but with the dissolution, this objection fell to the ground, without affecting Buckingham's resolution in the slightest degree.

Luckily for Bacon, an opportunity presented itself, which enabled him, in some measure, to soothe the wounded vanity of the favourite. Lennox wrote to ask for the house. Bacon replied that he was determined not to part with it to anyone; and that, if there were no other obstacle in the way, he owed it to Buckingham not to dispose of it to any other than himself.

1622. January. The bargain for York House.

The compliment was well aimed. Buckingham wrote at once to say that he should be sorry to prevent him from dealing as he pleased with his own property. As soon as it was possible, he would move his Majesty to relax the restriction upon his place of abode. As for himself, he was already provided with another house.

February.

Still, however, Bacon was left without permission to return to London, which he so anxiously expected. At last, after some weeks, he was told that he might come as far as Highgate. Sackville, who was acting in the matter as Bacon's friend, expostulated with Buckingham on the restriction. "Sir Edward," was the answer, "however you play a good friend's part for my Lord St. Alban, yet I must tell you I have not been well used by him." It finally came out that Cranfield wanted the house, and that Buckingham intended him to have it. "If York House were gone," wrote Sackville to Bacon, "the town were yours." Bacon bowed to necessity, gave up the lease, and obtained in return permission to come

March.

to London as soon as he pleased.[1] It was not to Cranfield, however, that the house was surrendered. Buckingham did not lose much time in getting it into his own possession, and he continued to occupy it during the remainder of his life. Already, however, before the bargain was struck, the favourite had, for a time, taken up his quarters at Wallingford House, which he had purchased from Lord Wallingford.[2] He was now again on thoroughly good terms with the Howards. Suffolk's second son was created Viscount Andover; and, after an imprisonment of six years, Somerset and his wife were released from the Tower, and allowed to come forth into a world which had almost forgotten their former greatness.[3]

Buckingham's reconciliation with the Howards.

There was something more than a personal reconciliation in these advances made by the favourite to the family which, three years before, he had crushed down with an unsparing hand. The Howards were all, more or less, in close connection with the Catholics, and in his vexation with the House of Commons and with the Court of the exiled Frederick, Buckingham, with his usual impetuosity, was, for the time being, a zealous protector of the Catholics. Nor was this all. Those who were admitted to his confidence were well aware that it was by no means impossible that before many months elapsed he would himself be a declared member of the Church of Rome. For the moment he was peculiarly susceptible to domestic influences. His wife's conversion, in spite of the eloquence of Williams, had been merely nominal, and his mother had recently been giving ear to the persuasions of a Jesuit, who was generally known by the assumed name of Fisher.[4] Lady Buckingham, in truth, was made of the very stuff to be easily moulded by a Jesuit's hand. Without the slightest wish to become either wiser or better, she was looking

[1] Bacon's *Letters and Life*, vii. 304–347.

[2] Chamberlain to Carleton, Jan. 19, *S. P. Dom.* cxxvii. 35. Indenture between Wallingford and Buckingham, May 27, *Close Rolls*, 20 Jac. I., Part 27. The price given was 3,000*l.*

[3] Commission to Sir A. Apsley, Jan. 17, *S. P. Grant Book*, p. 340.

[4] His real name was Percy.

about for a religion to make her comfortable, and in an infallible Church which would save her the trouble of thinking she found exactly what she wanted.

Confirmation of Buckingham and his family.

At what time this selfish and unprincipled woman first gave ear to Fisher's soothing strains is uncertain; but on January 3 a comedy was played which we shall hardly be wrong in ascribing to the King's remonstrances. Accompanied by two or three courtiers, by his wife and mother, by his sister, Lady Fielding, and his sister-in-law, Lady Purbeck, by one kinswoman whom Lady Buckingham had just married to Serjeant Ashley, and by another kinswoman whom she was anxious to marry to anyone who might present himself with a long purse, Buckingham went in state to dine with the Bishop of London. Before dinner was served the whole party betook themselves to the chapel, to receive the rite of confirmation.[1] Such a demonstration could have but little influence on the waverers, and, as a last resource, it was suggested that it would be well to invite the Jesuit to discuss with some Protestant divine the main questions at issue between the Churches. Dr. White, one of the Royal chaplains, was accordingly selected for the purpose, and conferences were held on several occasions, in the presence of the King, the Lord Keeper, the Marquis, the Marchioness, and the Countess of Buckingham. James himself entered into the strife, and produced nine questions, which he called upon the Jesuit to answer.

January.

Conference between Fisher and White.

As far as Buckingham's mother was concerned, it was soon evident that any discussion of particular doctrines would be absolutely thrown away. She considered, she said, 'that it was not for her, or any unlearned person, to take upon them to judge of particulars.' She wished to depend 'upon the judgment of the true Church.' All that she required was to be informed in which direction to look for the 'continual, infallible, visible Church.'[2]

[1] Chamberlain to Carleton, Jan. 4, *S. P. Dom.* cxxvii. 8.

[2] Conference with Fisher, *Laud's Works*, ii. 2. See also Preface, ix–xii.

To the issue thus taken, Laud was called upon to reply instead of White. It was not without reason that, in after years, he recurred with satisfaction to the part which he took on this occasion. For a moment we may well forget the harsh and rugged disciplinarian in the argument which he that day poured forth. He pointed those who were seeking for truth to the Scriptures and the creeds. Beyond these, he would admit of no infallibility, of no irreversible decision. To him declarations of general Councils were like Acts of Parliament. They were to be accepted for the sake of order, but they were to be always open to further investigation, always liable to be repealed, if proved by argument to be faulty. Upon Lady Buckingham this reasoning was utterly thrown away. Could she be saved in the Church of Rome? was the question which rose to her lips as the disputants closed the discussion. Laud could not say that it was impossible. Could she be saved, she then demanded, in the Protestant faith. "Upon my soul," replied Fisher, "there is but one saving faith, and that is the Roman."[1] Such an answer was decisive with one who was seeking, not for truth, but for safety. For some time she continued to conceal her resolution, and even received the Sacrament publicly in the Royal Chapel; but before the summer was at an end, she announced that she had changed her religion, and was in consequence ordered to abstain from presenting herself at Court.[2]

May 24. Conference between Fisher and Laud.

Buckingham himself was more tractable. Thirty years later, if he had lived so long, he might perhaps have followed his mother's example; but he had not yet reached the age when men of his stamp become seriously alarmed for the safety of that soul the purity of which they have done so little to guard. His choice was soon made. He professed his satisfaction with Laud's arguments. He even went so far as to offer to lay bare before him the secrets of his heart, and to look to him on all occasions of difficulty for that assistance which in Catholic lands a penitent is accustomed to

Laud and Buckingham.

[1] Conference with Fisher, *Laud's Works*, ii. 359-413.

[2] Chamberlain to Carleton, June 8, 22, Sept. 25, *S. P. Dom.* cxxxi. 24, 53, cxxxii. 24.

expect from his confessor.[1] No doubt, amidst much bad advice, Laud may frequently have whispered good counsel into the favourite's ear ; but of what avail would be the wisest admonitions so long as the man remained the same giddy, self-seeking, passionate upstart that he had ever been?

Laud's opinions on religious liberty.

The religious opinions of Buckingham and his mother were of importance only to themselves ; but Laud's reasoning cannot be safely passed over by anyone who desires to trace the progress of opinion. It is true that he had no thought of conceding to individuals the right to promulgate independent doctrines, and that the liberty of which he was the champion was not likely to be of much practical use. The notion that truth would be advanced by men who, for the sake of order, were ready to acquiesce temporarily in the decrees of the last general council, and who were contented to urge their objections in a quiet, respectful way, in the mere hope that some day or other another general council, better informed than the last, would meet to adopt their suggestions, was an idea which could only have commended itself to one who was better acquainted with books than with men. From the fierce revolt against falsehood and wrongdoing which arms the champions of truth against the overlying weight of prejudice, and from the dust and din which accompany the hammers clanging upon the anvil on which the pure gold of a new thought is beaten out into forms of usefulness and beauty, Laud instinctively recoiled. Yet it was no light thing that one to whom disorder was so hateful, should have strenuously raised his voice against the doctrine which declares that it is the duty of the individual to submit his conscience without question to the authoritative decrees of an ecclesiastical organization.

M. A. De Dominis.

In no better way can justice be done to Laud's intellectual position than by comparing it with that which had been assumed by a man whose actions were, about this time, attracting considerable attention in England. Marco Antonio De Dominis was a native of Dalmatia. He had been

[1] Laud's Diary, June 15, 16, *Works*, iii. 139.

educated by the Jesuits at Padua ; but his active mind was little suited for the unreasoning submission required by the statutes of his order, and he quickly turned aside in search of a more independent life. His abilities and industry soon brought him preferment, and in 1602, he became Archbishop of Spalatro, and primate of his native province. Three years afterwards, when the dispute between Paul V. and the Venetian Republic broke out, he took the warmest interest in the resistance made to the Pope's attack upon the criminal jurisdiction of the state over the clergy. With the miserable compromise by which Venice virtually surrendered its rights, he was, no doubt, deeply dissatisfied, for it was not in his nature to be swayed by mere considerations of policy. Plunging deep into the foundations of the controversy, he set himself to master the history and the constitution of the early Church ; and, after long and anxious study, he came to the conclusion that successive Popes had been guilty not merely of encroaching upon the temporal jurisdiction of the states of Europe, but of the far more heinous crime of adding new and unwarrantable articles to the creed of the Church. Before him, as he pursued his investigations, arose that splendid vision which has dazzled the eyes of so many well-meaning and pious inquirers—the vision of a Church without either a visible head or internal disputes, of a Church governed by an aristocracy of virtuous and learned prelates, welcoming free discussion, but never coming to a wrong conclusion, and repressing the vagaries of error, not by the dungeon or the stake, but by the solemn force of unanswerable reasoning.

1602. Becomes Archbishop of Spalatro.

1605. Takes interest in the dispute between Venice and the Pope.

At last, in 1616, De Dominis had prepared for publication at least a part of the great work in which his principles were to be set forth ; but he soon found that he could never hope to obtain a hearing in any corner of Catholic Europe. In England he knew that an episcopal Church was to be found, which, at least in its external organization, answered to the ideal which he had formed ; and he had learned, from his conversations with Wotton's chaplain, the

1616. His visit to England.

large-hearted and gentle Bedell, to hope that he would there find a welcome for his ideas. He therefore made up his mind to seek a refuge in England.

It was in no spirit of humility that the Archbishop of Spalatro set foot upon our shores. To an abundant measure of learning, he added all a scholar's vanity and ignorance of the world. Where popes and churches had missed the road, he alone saw clearly. To him England was no more than the fulcrum which would enable him to overturn the whole system of Papal religion. Let his book once be published, and Christendom, recognising its errors, would bow its head before his teaching. Once more would be seen upon earth the spectacle of an undivided Church, in which the Pope would find no place.

His reception.

As far as his personal reception was concerned, his highest expectations can hardly fail to have been satisfied. Never before had an archbishop sought refuge in England after forswearing the errors of the Church of Rome. Crowds flocked round him, eager to catch a sight of the illustrious convert. Court was paid to him by the highest in the land. Prelates and peers vied in offering him costly gifts. The Archbishop of Canterbury received him into his house till he was otherwise provided for. James gave him a hearty welcome, and presented him to the Mastership of the Savoy and the Deanery of Windsor, two preferments which brought him in an income of 400*l.* a year.[1]

His growing dissatisfaction.

In a short time, however, the popular enthusiasm died away. De Dominis was at liberty to prosecute his studies without impediment, and to publish successive volumes amidst the compliments of the learned; but it was in vain that he looked for the slightest sign of readiness on the part either of the Church of England or of the Church of Rome to submit to his arbitration. Equally displeasing to his personal vanity was the dissatisfaction which

[1] Goodman's Statement (*Court of King James*, i. 340) is confirmed by the allegation of De Dominis himself, in a letter to the King (Feb. 16, 1622, *S. P. Dom.* cxxviii. 103, xiii.), and must therefore be accepted in preference to Hacket's calculation of 800*l.*

was aroused by his ignorance of English habits. His income, though it was quite sufficient in those days to maintain an unmarried man in luxury, did not equal his desires. One day, therefore, he took the unusual course of presenting himself to a living in the gift of the Dean and Chapter of Windsor. At another time he attempted to take advantage of a flaw in a lease, so as to get a tenant's house into his own hands. He next made the discovery that the leases of the Savoy lands were legally forfeited to the King, and he proposed to James to proceed against the tenants, and to restore the institution to its original purpose as a hospital for travellers. James, who knew well enough what the English feeling was on the subject of ecclesiastical property in lay hands, refused to listen to him for an instant. "You are a stranger here," was his curt reply; "leave things as you found them."

Such stories as these, told with considerable exaggeration,[1] were certain to detract from whatever popularity the Archbishop yet retained. At last he fancied that an opportunity had arrived of gaining the position to which he believed himself entitled. He heard that the Archbishopric of York was vacant, and he hastened down to Theobalds to beg James to give him the second dignity in the English Church. To his mortification, he was told that Archbishop Matthew was still living, and that no foreigner would be permitted to occupy an English bishopric. De Dominis was not long in learning that his blunder had been one to bring upon him special ridicule; for it was well known to everyone but himself that the old archbishop was accustomed from time to time to spread rumours of his own death, in order to enjoy the excitement caused amongst the crowd of suitors who were eager to step into his place.

Bitterly as these disappointments must have been felt by a man so convinced of his own importance, there were causes of a very different nature at work to render his position irksome. The English Church was by no means that which his imagination

[1] The original story about the Savoy, for instance, is evidently the one which I have adopted from Goodman (i. 344). In Fuller it assumes a much worse character.

had depicted. Upon his arrival he had been warmly welcomed by the Archbishop of Canterbury and by those amongst the clergy who shared Abbot's admiration for the Calvinistic theology When they heard him denouncing the Romish Babylon, and comparing the Pope to Pharaoh, they were ready to applaud him to the echo ; but with these men he had nothing in common excepting his dislike of the Papal supremacy. His ideas were, in the main, those of Laud ; yet between him and Laud there was a great gulf which neither could pass over. Both believed that the Church of England and the Church of Rome were branches of one Catholic Church. Both looked hopefully to the power of argument, and appealed to the decision of a general council. But Laud, the child of the English Reformation, was contented if he could persuade himself that he was living in a society which held the doctrines current in the primitive Church, whilst his desire for the reunion of a general council was little more than a pious wish entertained because it was necessary for the completion of his intellectual conception, but not likely to exercise any practical effect upon his conduct. In the mind of De Dominis, the pupil of the Jesuits, the necessity of a visible Church unity was foremost. In despair of effecting his object in England, he once more turned his eyes to Rome. Paul V. was dead, and the new Pope, Gregory XV., who had been his friend in youth, might perhaps be induced to reform the Church, and to allow free discussion on controverted points, or might even be brought to acknowledge that the Churches of Rome and England were already portions of one undivided Church. It would then be easy for the Pope to give his approbation to the Book of Common Prayer, and to explain satisfactorily those practices which were most repulsive to Protestants.

His views of the Church of England.

1622.

He purposes to return to Rome.

In the midst of these meditations De Dominis heard that Gregory had expressed his readiness to welcome him to Rome, and he at once made up his mind to accept the offer. On January 16, 1622, he announced his intention to the King. James was exceedingly angry, especially as a rumour had sprung up that De Dominis was to go on a

He announces his intentions.

special mission from himself, in order to reconcile England with the Pope. Yet he contented himself with sending to inquire the motives of his conduct. He himself refused to see him, and, after allowing him time to make any explanations he wished, ordered him to leave the kingdom within twenty days.[1]

Morton's remonstrance.

Before he left England he received a visit from Bishop Morton, who did what he could to dissuade him from his design. "Do you think," said De Dominis, "that the Pope and the Cardinals are devils, so that they cannot be converted?" "No," replied Morton; "neither do I think that you are God, to be able to convert them."[2]

De Dominis returns to Rome.

On his return, the stray sheep was welcomed back into the fold with every mark of respect. At Brussels he was received by the Papal Nuncio into the bosom of the Church. In his journey through Italy his vanity, for some time unused to adulation, was tickled by the long train of horses and carriages placed at his disposal by the Pope, and by the friendly greetings which met him on every side.[3]

His imprisonment and death.

Again the scene changed. Within a few months after his arrival at Rome, the death of Gregory left him without a protector. The new Pope handed him over to the tender mercies of the Inquisition. The man who had started from England buoyant with hope and confidence was thrown into prison, and condemned to the uncongenial task of refuting his own arguments. On the whole, he appears to have behaved with honesty. Where his own opinions had changed he made no difficulty in stating, for the use of others, the considerations by which he had been influenced; but nothing would induce him to sign the decrees of the

[1] The account given by Fuller (v. 504–530) is evidently prejudiced. See testimony of Cosin (*De Transubstantiatione*, cap. 2, § 7), and Goodman as cited above. His own words are the best indication of his character, and the narrative of the transactions immediately preceding his departure (*S. P. Dom.* cxxviii. 103) is especially useful as indicative of his opinions. That Gondomar had anything to do with the Archbishop's return to Rome, is very doubtful. It is hardly compatible with the narrative above referred to.

[2] Hacket's *Life of Williams*, 102. [3] *Dalrymple*, 145.

Council of Trent, or to surrender his favourite doctrine of the essential unity of the Churches of Rome and England. After his death he was declared guilty of heresy, and his body was burned by order of the Inquisition.[1]

His posthumous condemnation.

Such a man was not likely to meet with anything but obloquy. Men who could agree upon nothing else, combined to speak of him as being utterly without any religious principles whatever. Two years after he left England, Sir Edward Sackville visited him in his dark and confined prison. "My Lord of Spalatro," he said tauntingly, "you have a dark lodging; it was not so with you in England. There you had at Windsor as good a prospect by land as was in all the country; and at the Savoy you had the best prospect upon the water that was in all the city." "I have forgot those things," was the calm reply; "here I can best contemplate the Kingdom of Heaven." "Do you think," said Sackville, after he had left the prison, to the Rector of the English College, "that this man is employed in the contemplation of heaven?" "I think nothing less," answered the priest, "for he was a malcontent knave when he fled from us, a railing knave while he lived with you, and a motley, parti-coloured knave now he is come again."[2]

The answer of the Rector was evidently inspired by party-spirit. That, given by Andrewes, soon after De Dominis arrived in England, to some one who asked whether he were a Protestant or no, was far more pertinent. "I know not," said the Bishop, "but he is a detestant of divers opinions of the Church of Rome."[3] Ignorant how small a part of religious life is to be found in the logical scaffolding on which it rests, and how thoroughly masses of men are moulded by popular feeling, he thought that it was possible by softening asperities of opinion, and by explaining away the harshness of doctrine, to form a common belief which all Christian men might agree to hold. As Rome and England alternately repelled his presumption, his mind

His character.

[1] *Hacket*, 103. Cosin, *De Transubstantiatione*, cap. 2, § 7.
[2] *Hacket*, 104.
[3] Bacon's Apophthegms, *Works*, vii. 159.

was filled with detestation at their refusal to settle down upon the Procrustean bed which his own imagination had fashioned His vacillations and inconsistencies were more apparent than real. In the main, his opinions remained unchanged, and he died impressed with the same delusion which had led him astray in life.

The fate of De Dominis is a standing warning to those dreamers who count a union between the Churches of Rome and of England to be amongst the possibilities of the future; but that such a dream should have been entertained at all was one amongst many symptoms that a new mode of regarding religious questions was taking possession of the minds of men. The age did not need a restoration of unity either by explaining away the distinctive differences of the two creeds, or by the forcible conversion or extermination of the members of either. What was needed was a change of system which would enable Catholic and Protestant to live together in peace, and to trust to argument and not to the sword for the extension of their opinions.

Question of toleration.

Such a change was yet far distant; but much had been already done to limit the difficulties of the future. In spite of what was passing in Germany, one half of Europe was no longer banded together in confederacy against the other. Catholic states and Protestant states had found it possible to exist side by side without mutual recrimination. The question now was narrowed to the amelioration of the position of religious minorities in the various countries. Of still greater importance was the change in the point of view from which these difficulties were regarded. Every year there was an increase in the number of those who, if they desired the suppression of the adverse religion, desired it not because its opinions were untrue, but because its existence was incompatible with civil government.

Religious minorities.

It was in this light that the position of the English Catholics had been viewed by Pym. If only they could keep aloof a few years from political combinations which were distasteful to the English nation, and, above all, if they could resist the compromising assistance of the Spanish

The English Catholics.

Ambassador, they might look forward with assurance to a speedy alleviation of the pressure which weighed so heavily upon them.

The French Protestants.

The condition of the French Protestants, far better in appearance, was in reality less hopeful than that of the English Catholics. By the Edict of Nantes, liberty of conscience was accorded to them in every part of France. Liberty of worship was permitted in the houses of 3,500 gentlemen, and in a large number of towns, whilst the right of maintaining Protestant garrisons in certain strong places was conceded to them as a security against the encroachments of the Catholic nobility.

The last clause was perhaps necessary, but it was full of danger for the future, since it offered a strong temptation to the Protestant body to form themselves into an independent community, and to throw themselves in the way of the organization of the monarchy. At last, in the spring of 1621, civil war, long expected, broke out once more. Whilst the more trusted leaders of the Reformed Churches were proclaiming the necessity of submission to the Crown, in spite of present grievances and future fears, the Protestants of the towns, with their clergy at their head, had persisted in maintaining, in the face of the Government, the right of holding an illegal assembly at Rochelle. They had sadly miscalculated their power. Taking the King with him, Luynes swept down upon Protestant France. One town after another fell before him, and he was in the full career of conquest when Sir Edward Herbert presented himself with an offer of mediation in his master's name. He was treated with studied insolence. "What," said Luynes, "has the King your master to do with our actions? Why does he meddle with our affairs?" After some altercation, Luynes burst out into a passion. "By God," he said, "if you were not an ambassador I would treat you in another fashion." Herbert, who was one of the most noted duellists in Europe, laid his hand upon his sword. "If I am an ambassador," he replied, "I am also a gentleman, and there is that here which would make you an answer." After such a

1621. The civil war in France.

Quarrel between Herbert and Luynes.

scene, James had hardly any choice but to recall his ambassador.[1] It would have been well if he had also desisted from any further attempt to mediate in the quarrel, and had opened his eyes to the fact that, by rousing the national susceptibilities of the French, he was doing the greatest possible injury to the cause which he meant to serve.

This, however, was not James's opinion. Laying all the blame upon Herbert's personal conduct, he despatched Doncaster upon a special mission to plead the cause of peace. Personally the selection was a good one. Always a warm partisan of France, Doncaster was more likely than anyone else to obtain a courteous answer to his propositions. Yet it was probably fortunate for him that, shortly after his arrival in France, he was prevented by an attack of fever from demanding an audience. When at last he was sufficiently recovered to carry on the negotiation, the Royal forces had been checked in their career of victory. The old Huguenot spirit had been roused at last, and the southern Protestants were standing at bay behind the walls of Montauban. Doncaster was accordingly told that the King was ready to show mercy to the rebels, and to give assurance that no attack should be made upon their religious liberties, if they would only consent to make submission to him as their Sovereign.[2]

Doncaster's mission.

October 17.

Five days after this reply was given the siege of Montauban was raised, and it seemed possible that Luynes's failure to take the place would render him more conciliatory. In less than six weeks, however, the all-powerful favourite died, and whatever hopes of peace had been entertained were suddenly blasted. Louis fell for the time into the hands of the party which was bent upon continuing the war, and Doncaster, finding his efforts thwarted on every side, returned to England to give an account of his failure.

Death of Luynes.

1622. Doncaster's return.

Even this amount of humiliation was not sufficient for James.

[1] *Life of Lord Herbert of Cherbury.* Herbert to the King, July 31. Doncaster to the King, Aug. 1, 1621, *S. P. France.*

[2] Doncaster to Calvert, Oct. 26, 1621, *S. P. France.*

Doncaster, he resolved, must go back, to France. His was, indeed, a thankless task. By the French ministers he was received with all courtesy; but he was plainly told that it did not stand with their master's honour to allow a foreign sovereign to mediate in their internal disputes. On June 22, therefore, he took his leave without having effected anything whatever.[1] Sir Edward Herbert was ordered to return to Paris, the death of Luynes having removed the obstacle in the way of his career.

April. He goes back to France.

June. He returns to England

There still remained a practical question awaiting the decision of James. During the winter, commissioners from Rochelle had been received by him with civility. He had given them permission to export provisions and munitions of war, and he had authorised the bishops to order a collection in all the churches in aid of the French Protestants who had taken refuge in England.[2] The Rochellese, however, were not content with assistance of this moderate kind. The Channel swarmed with their privateers, and every week some fresh prize belonging to French owners was brought into an English port. For some time the French ambassador, Tillières, remonstrated in vain. At last the Council received his complaints, and promised that redress should be given.[3] Orders were issued to seize the prizes which had been brought into English harbours, and restore them to their owners. Such orders, however, were not always executed with punctuality. The sympathies of the inhabitants of the ports were all on the side of the privateers, and it not unfrequently happened that a Rochellese captain was able to sell his booty at Plymouth or Dover, before the magistrates chose to open their eyes to his presence.[4]

Deputies from Rochelle.

July.

[1] Doncaster to Calvert, June 26, 1622, *S. P. France.*

[2] The Deputies to Calvert, $\frac{\text{Aug. } 24}{\text{Sept. } 3}$. Doncaster to Calvert, Oct. 26. Order in Council, Oct. 12, *S. P. France.*

[3] Remonstrances of Tillieres, *S. P. France*, 1621, 1622, *passim.*

[4] Mayor of Rye to Calvert, May 1. The Council to Zouch, May 4. Vivian to the Council, May 17. Fulnetby to Zouch, May 17. Petition of R. Dure, May (?). The Council to Zouch, July 11. *S. P. Dom.* cxxx. 1, 16, 91, 92, 134, cxxxii. 28.

By the mere force of inertness James had come to the wise conclusion that it would be better not to interfere in France.

Affairs of Germany.

Unhappily it needed very different qualities to bring him to a right judgment with respect to the war in Germany. In no sense could the German quarrel be considered as a merely internal dispute. Not only were the various states of which the Empire was composed possessed of rights which almost elevated them to the position of independent sovereignties, but the interference of Spain had raised a question which all European Governments were interested in solving.

Yet, after all, different as might be the mode in which a wise statesman would have dealt with the two countries, his principle of action would have been the same. In both France and Germany it would be necessary to avoid the slightest appearance of compromising civil order by the protection given to religious liberty. In France interference was unwise because it would only serve to perpetuate anarchy. In Germany it would be wise in so far as it could be made use of to make anarchy impossible.

Interference and non-interference.

It was this thought by which Digby's policy had been inspired. What difficulties he had met with from Maximilian's ambition and from Frederick's self-will have been already told. When he returned to England in the autumn his game was all but ruined. One chance alone remained. If James, putting himself at the head of the nation, could force Spain and the League to respect his power, and could at the same time compel his son-in-law to offer solid guarantees that he would from henceforth refrain from breaking the peace of the Empire, all might yet be well.

Digby's policy.

With the dissolution of Parliament this last chance was thrown away. Mere words would not go far to reassure the peaceful populations of Germany, or to inspire Ferdinand with the belief that his enemy could be safely entrusted with power, or to crush in Frederick's bosom that ill-timed elation which the slightest breath of success was certain to quicken into life.

How completely his cause was lost was the last thing which James was likely to perceive. "I will govern," he said

triumphantly, "according to the good of the common weal, but not according to the common will."[1] Yet, as he looked upon Germany, he might well have despaired; everything there was in confusion. Mansfeld had hardly reached the Palatinate when Tilly and the Bavarians, following hard upon his heels, planted themselves securely in that fertile plain which stretches from the forest-clad slopes of the Odenwald to the banks of the Rhine. Mansfeld was in want of money and supplies, but he had never far to look for plunder. The Bishopric of Strasburg, and the Austrian lands in Alsace, provided quarters for his famished troops.[2] Next spring, he gave out, he would not stand alone. The air was full of rumours. The Margrave of Baden, it was said, was arming, and would soon have more than 20,000 men under arms. The Duke of Würtemberg would bring 8,000 into the field. Christian of Brunswick, with 5,000 horse, was harrying the lands of the Bishop of Paderborn, and would swoop down upon the Palatinate as soon as the fine weather appeared.[3] Such numbers would far exceed any force that Tilly could bring against them, and James was easily persuaded that no great effort on his part was needed.

James's self-confidence.

1621. December. The armies in the Palatinate.

Yet at least he would do something. Immediately upon the adjournment of the Houses, he had announced his intention of sending 8,000 foot, and 1,600 horse, to take part in the war. The Commons, he thought, would be willing to grant the necessary supplies, when they met again in February.[4]

An English force to be levied.

The dissolution followed, and all hope of a Parliamentary grant was laid aside. By a fresh stretch of the prerogative the imposition on wine was doubled, and an extraordinary payment of ninepence in the pound was laid upon all commodities imported by aliens.[5] Recourse, too, was once more had to a

[1] Mead to Stuteville, Feb. 2, *Harl. MSS.* 389, fol. 140.

[2] Vere to Carleton, Dec. 20, 1621, *S. P. Holland.*

[3] Vere to Carleton, Dec. 27, 1621, *Ibid.*

[4] Nethersole to Carleton, Dec. 20, *Ibid.* Digby to Frederick, Dec. 30, *Collectio Camerariana*, xlviii. 92. Royal Library, Munich.

[5] *Council Register*, Jan. 12. Locke to Carleton, Jan. 23. *S. P. Dom.* cxxvii. 40.

Benevolence. Wealthy men were again summoned, as they had been summoned in 1614, from every part of England, and were ordered, in the presence of the Council, to name the sum at which they were willing to be rated. The justices of assize, the magistrates of the counties and the boroughs, were ordered to push on the contribution, and to certify to the Government the names of those who were hanging back. One nobleman, Lord Saye, who in the late Parliament had begun his long career of pertinacious opposition to arbitrary power, was committed to the Fleet for daring to advise his neighbours to keep their money in their pockets.[1] At first, even Digby believed, or assumed to believe, that the King would obtain more from these irregular contributions than Parliament would have been likely to give him.[2] As the weeks passed on, it became evident that the result of the appeal would be far from equalling the expectations which had been formed. At Court it had been supposed that 200,000*l.* would be obtained with ease.[3] Nine months passed away, and little more than 77,000*l.* had been paid into the Exchequer, a sum which, in the course of the winter, was raised to 88,000*l.*, and which, even then, scarcely exceeded in amount the single subsidy which the Commons had been ready to vote for the mere maintenance of Mansfeld's army for two or three months.[4]

1622. January. The Impositions and the Benevolence.

Nor was it only amongst those who were called upon to pay heavily towards the Benevolence that maledictions were pronounced against James. Here and there angry words bubbling up to the surface testified to the suppressed feeling of indignation which was seething below. A year before, the prevailing dissatisfaction had vented itself upon Gondomar. It was now directed against the King. In January, 'a servant to one Mr. Byng, a lawyer,' was stretched

Unpopularity of James.

[1] *Council Register*, June 6. Salvetti's *News-Letter*, June 7. Southampton, on the other hand, urged on the payment. Southampton to the Council, May 5, *S. P. Dom.* cxxx. 19.

[2] Digby to Doncaster, Jan. 31, *Egerton MSS.* 2595, fol. 30.

[3] *Council Register*, Feb. 4, March 31. Chamberlain to Carleton, Jan. 19. Locke to Carleton, Feb. 16, March 2. *S. P. Dom.* cxxvii. 35, 102; cxxviii. 9. Salvetti's *News-Letters*, Jan. $\frac{18}{28}$, $\frac{\text{Jan. } 25}{\text{Feb. } 4}$, Feb. $\frac{15}{25}$, $\frac{\text{Feb. } 26}{\text{March } 8}$.

[4] Receipt Books of the Exchequer.

upon the rack 'for saying that there would be a rebellion.' In February, 'a simple fellow' was condemned to a traitor's death for declaring that, though he was ready to spill his blood for the King if he maintained religion, he would be the first to cut his throat if he failed therein.[2] A week later, James was driven to the necessity of summoning the bishops, in order to protest in their presence that he was sincere in his desire to maintain the established religion.[3]

"Tom Tell-Truth."

Nowhere is the change, which had in three short years come over the popular feeling, portrayed more vividly than in a coarse and scurrilous libel which, under the name of "Tom Tell-Truth," was passed in manuscript from hand to hand. James, said the writer, might, if he pleased, style himself Defender of the Faith ; but it was the faith of the Papists, not the true faith, that was defended by him. He might be head of the Church, but it was of the Church dormant, certainly not of the Church militant or triumphant. For one health drunk to the King there were ten glasses emptied to the success of his daughter and her husband. It was well known that he allowed Gondomar to become master of the secrets of his cabinet with the help of a golden key. Whilst he was calmly looking on, Spain had become undisputed master of the West Indies, and the Dutch, 'the very pedlars whom we ourselves set up for our own use,' had become masters of the East Indies. The Protestants of the Continent had been left without a protector. The Deputies of Rochelle had been neglected. Nothing had been done for the Palatinate. The Papists were supreme in Europe. In the meanwhile, the writer broadly hinted, James was frittering away his time, not merely in reckless jollity, but even in the indulgence of the most hideous vices of which human nature in its utmost depravity is capable.

Such was the explanation which many were now ready to give to that which they had hitherto passed by as mere folly. The coarseness of James's language, the rudeness of his merri-

[1] Locke to Carleton, Jan. 12, *S. P. Dom.* cxxvii. 136.

[2] J. Nicholas to E. Nicholas, Feb. 26, *S. P. Dom.* cxxvii. 133.

[3] Inclosure dated March 8, in a letter from Mead to Stuteville, March 16. *Harl. MSS.* 389, fol. 157.

ment, the indecency of his doting fondness for Buckingham, were readily interpreted in the worst sense by men who were only too glad to believe the foulest charges against the sovereign whom they despised.[1]

April. Knight's sermon.

Less startling from the nature of the utterance, but even more alarming, on account of the quarter from which the attack proceeded, was a sermon preached on April 14, in the very midst of the loyal University of Oxford. The preacher, a young man named Knight, took for his subject the persecution of Elijah by Ahab, and declared it to be his opinion that it was 'lawful for subjects when harassed on the score of religion to take arms against their Prince in their own defence.' When called to account by the Vice-Chancellor for the language which he had used, he replied that he had derived his opinions from a book written by Pareus, the Professor of Divinity at Heidelberg, and that he had also on his side the still higher authority of his Majesty, who, if he was rightly informed, was about to assist the French Protestants against their sovereign. Knight was accordingly sent up to London, where he repeated his defence before the Council. He was by them committed to the Gatehouse, where he remained for two years, and was at last released on the score of his youth at the intercession of Williams, whose voice was always raised on the side of mercy.

James next proceeded, as he fancied, to strike at the root of the evil. The libraries and the booksellers' shops were searched for Pareus's Commentaries on the Epistle to the Romans. One heap of the books thus collected was consumed at Oxford. At Cambridge and in London the curiosity of the multitude was amused by similar bonfires. A few days later the obnoxious opinions were solemnly repudiated by the University of Oxford. For the future none were to be allowed to take a degree who refused to swear 'that they do not only

Burning of Pareus's Commentaries.

June 6.

June 25.

[1] Tillières' Letters, given by Raumer, are frequently appealed to as conveying evidence against James; but the letter of Jan. $\frac{14}{24}$ shows that no fact could be proved against him.

at present condemn and detest the proposition above mentioned, but that they shall always continue of the same opinion.'[1]

Nature of his argument.

In the original work of Pareus, the passage from which the condemned propositions were taken followed upon a long and sustained argument against the Pope's jurisdiction over princes. It was an argument, however, which, if left to stand alone, would have exposed the writer to a crushing retort. "What!" some Jesuits might well have answered, "do you mean to say that kings and princes are to be subjected to no control whatever? May they change the laws and religion of their subjects at their pleasure? May they commit murder with impunity?" The answer of Pareus to this objection was singularly moderate. If a king, he said, should with his own hands make an attack like a common robber upon one of his subjects, he who is so treated may lawfully defend his own person from injury. Against religious and political tyranny only two remedies may be adopted. The clergy may point out to a notorious tyrant that he is breaking the laws of God and man, and, if he refuses to change his conduct, may cut him off by excommunication from the communion of the Church. Although neither the clergy nor private persons may draw the sword against their Prince, subordinate magistrates may take such measures as are necessary to defend the country against horrible oppression, and, if security cannot otherwise be obtained, may even resist and depose their sovereign.

Such language, translated into the equivalent phrases of modern times, would not now be considered very appalling. The liberty of speech and the legality of national resistance have, in England at least, long been counted amongst the commonplaces of politics; but in the beginning of the seventeenth century they had a dangerous sound; and it is no wonder that the King, who had just dismissed his Parliament in anger, and was scheming for a marriage which would, in all probability, give him a Roman Catholic grandson, should have been unwilling to listen to such reasoning with patience.

[1] Collier's *Ecclesiastical History*, vii. 434. *Hacket*, 88. Wood, *Hist. et Ant. Univ. Ox.* i. 327.

Had the University of Oxford contented herself with answering the arguments of Pareus, it would have been well enough. What she did was to present four propositions in a garbled form [1] to her students, and to require them to swear that they would never adopt them at any future time. Such an act was as injudicious as it was tyrannical. If men were to swear that they would disbelieve the arguments of Pareus, it was, perhaps, as well that they should not read them. James, accordingly, wrote to the Vice-Chancellor, when he first heard of Knight's sermon, directing him to take care 'that those who designed to make divinity their profession should chiefly apply themselves to the study of the Holy Scriptures, of the Councils and Fathers, and the ancient schoolmen; but, as for the moderns, whether Jesuits or Puritans, they should wholly decline reading their works.' [2]

Interference with Oxford studies.

If James could have succeeded in putting an end to the war in Germany, he would have had little need to trouble himself with the attacks of libellers or reasoners at home. As far as he was concerned, indeed, there were no signs of despondency. In the preceding November he had at last laid before Frederick categorically the terms on which he was willing to render him assistance. "The Count Palatine," he had demanded, "shall, for himself and his son, wholly renounce and acquit all pretence of right and claim unto the crown of Bohemia, and the incorporated countries thereof. He shall from henceforward yield all constant due devotion unto the Imperial Majesty, as do other obedient

Terms offered and accepted by Frederick.

[1] The first proposition as condemned at Oxford is as follows:—"Episcopi et pastores magistratus suos impios aut injustos, si contumaces sint, possunt et debent de consensu Ecclesiæ Satanæ tradere donec resipiscant." Wood, *Hist. et Ant. Univ. Ox.* i. 327. In Pareus's *Commentary*, 1349, it stands thus:—"Episcopi et pastores magistratibus suis impiis aut injustis possunt ac debent resistere, non vi aut gladio, sed verbo Dei, arguendo eorum notoriam impietatem aut injustitiam, et ad officium juxta verbum Dei et juxta leges faciendum eos cohortando, contumaces vero de consensu Ecclesiæ etiam Satanæ tradendo, donec resipiscant."

[2] Extract from the King's letter, April 24. Collier's *Eccl. Hist.* vii. 435

Princes, Electors of the Empire. He shall, upon his knee, crave pardon of the Imperial Majesty. He shall not hereafter, any manner of way, either unfittingly carry or demean himself towards the Imperial Majesty, or disturb his kingdoms or countries. He shall upon reasonable conditions reconcile himself with other his neighbour princes and states of the Empire, and hold good friendship with them; and shall really do all other like things as is above contained, and that shall be reasonable or necessary."[1]

The terms thus laid down contained, indeed, all that the most impartial arbitrator could suggest. On the one hand, they denied to Frederick the right of private war, and they placed him in a position of inferiority towards the Chief of the Empire, to which the Princes of Germany had long been unaccustomed. On the other hand, they set a decided barrier to the encroachments of the Roman Catholic Church upon Protestant soil. Unhappily it was something more than wise suggestions that were needed to quench the flames of the German conflagration. Each party professed to be anxious for peace; but, in his heart, Frederick would be contented with nothing short of the position of an independent sovereign; and, in his heart, Ferdinand would be contented with nothing short of the predominance of his Church. It is true that Frederick, not without allowing his dissatisfaction to be plainly seen, accepted his father-in-law's terms,[2] and that the Emperor expressed his determination to send an ambassador to Brussels, in order to treat with James for a suspension of arms, to be followed by negotiations for a general pacification.[3]

About this time James was encouraged to take too favourable a view of the prospects of his mediation, by the sight of a bundle of despatches from Vienna to Madrid, which had not many weeks before fallen into the hands of Mansfeld. From these letters it appeared, indeed, that there could be no longer the slightest doubt of Ferdinand's

The intercepted despatches.

[1] The King to Ferdinand II., Nov. 12, 1621, *Cabala*, 239.

[2] Frederick to the King, Nov. 25, *S. P. Germany.*

[3] Ferdinand II. to the King, Jan. 4, 1622, *Cabala*, 241. Ferdinand II. to the Infanta Isabella, Jan. 3, *Brussels MSS.*

resolution to transfer the Electorate; but it also appeared that he anticipated the resistance of the Spanish Government to his scheme. James was, therefore, right in calculating on the help which it was possible for him to derive from Spain. Where he was wrong was in supposing that he could count upon Spanish aid one moment after he had ceased to inspire the Court of Madrid with a belief in his intention of actually mingling in the strife.

With the assurances which reached him from Spain James was perfectly content. What mattered it, he thought, if Frederick and Ferdinand should prove recalcitrant, if only Philip were on his side. He accordingly ordered Weston to repair to Brussels as soon as the conference was opened by the Infanta, in order to settle the conditions for the suspension of arms. At the same time he fancied that he was giving a great proof of his vigour by authorising Vere to take the command of the royal troops in the Palatinate, as soon as money could be found to pay them.[1]

In truth, it was the want of money, far more than the want of men, which was likely to be the stumbling-block in his path.

Frederick's troops.

Frederick's troops, even if they would, could not now carry on the war otherwise than as brigands. Without any basis of operations other than the ruined and exhausted Palatinate—without money and without supplies—what could they do but throw themselves, in search of livelihood, upon one Catholic district after another? War in those days was terrible enough, at its best, and deeds of blood and shame weigh heavily upon the memory of the Catholic armies. But neither Spaniards nor Bavarians were forced to order their movements in accordance with the sheer necessity of plundering. They were tolerably paid, and their commissariat was, at least to some extent, provided for. To their leaders war was not a necessity, and if the order for recall was given, there would be no difficulty in enforcing its execution.

Of the sentiments which prevailed in Mansfeld's camp we happen to possess evidence in a letter which was at this time

[1] Commission to Vere, Feb. 16, *S. P. Germany.*

written by one of his officers. "The Bishopric of Spires," he said, "is ours. We are plundering at our ease. Our general does not wish for a treaty, or for peace. He laughs at the enemy. All his thoughts are fixed upon the collection of money, of soldiers, and of provisions. When the spring comes, he hopes to have fifty thousand men under arms. With this object he employs the strangest means of levying money. The Union has promised to bring into the field a force equal to ours. Knyphausen and the nobility of the Palatinate are proposing, with the aid of the Landgrave of Hesse, to attack the territories of the priests, and to pillage them thoroughly before they retire. By this diversion the enemy will be compelled to divide his forces. If we come across a great square cap, we will take care to make it pay a wonderful ransom." The letter ended by pointing out the ease with which the territories of Spires, Worms, Mentz, and Alsace might be cut up into principalities for the conquerors.[1]

March. Mansfeld in Alsace.

Whilst Mansfeld was thus plundering the lands upon the Upper Rhine, another adventurer was making havoc of the Westphalian Bishoprics. Christian, the brother of the Duke of Brunswick-Wolfenbüttel, was the nephew of the late Queen Anne. At the age of seventeen he had been appointed Bishop or Administrator of Halberstadt, by one of those arrangements which were frequently employed by the heads of Protestant Houses, whenever they wished to provide for their relations at the expense of the ecclesiastical domains in their neighbourhood. The title assumed by him was purely nominal, and there was nothing episcopal about him, excepting his claim to enjoy the revenues of the see—a claim which, as it was not under the guarantee of the Peace of Augsburg, he would hardly be able to maintain in the face of a decisive victory of the Imperialists in the Palatinate. As the cousin of the exiled Queen of Bohemia, he affected to put himself forward as her special champion. He carried in his cap a glove, which she had once dropped, under which he bore the motto, "All

Christian of Brunswick.

[1] I have omitted portions of the letter. The whole will be found in Villermont's *Tilly*, i. 160.

for God and her." Against the ecclesiastical principalities he vowed a special hatred. Wherever he came the churches were sacked, and the silver images were coined into pieces bearing the inscription, "God's friend, and the enemy of the priests." Fire and desolation marked his track, and the hovel of the peasant and the home of the citizen were regarded as lawful prey by the bands of ruffians in the eyes of whose commander it was the worst of crimes to live under a bishop's rule.

Prospects of a truce.

Such were the commanders into whose hands the fortunes of German Protestantism had fallen. Ferdinand and Maximilian were not so far wrong when they spoke of peace as hopeless, excepting by a vigorous prosecution of the war. "I understand," wrote Vere, in language which might well have startled James out of the fool's paradise in which he was living, "by a chief officer of the Count Mansfeld, that he believes that there will be a truce, and is so much troubled at it, that he says it is intended to undo him, and is, therefore, resolved withal not to lay down his arms."[1] About the same time a letter reached James from Mansfeld himself. He was ready, he said, to be included in the negotiations for peace; but it must be remembered that his master owed him no less than four million florins, and that there was not the slightest chance that he would ever be able to pay him. He therefore expected that Haguenau, an Austrian town in Alsace, which he had lately taken, should be made over to him in full possession.[2]

Chichester's mission.

It was evident that the time had passed when James could interfere with advantage. With his exchequer filled with parliamentary subsidies, he might have exercised some influence over Mansfeld and Christian. But who was the King of England, that his mere word should check the career of these needy adventurers? The deadly combat between anarchy and despotism must be fought out now to the end. James's attempts to carry on war were as

[1] Vere to Calvert, March 15, *S. P. Germany.*

[2] Mansfeld to the King, March, *S. P. Germany.* Misplaced amongst the papers of 1623.

futile as his attempts at diplomatic success. Already the ten thousand men whom he had proposed to levy for the Palatinate were melting into air. Chichester, indeed, whose splendid services in Ireland deserved a better fate, had been dragged from his retirement, and ordered to betake himself to Heidelberg, that he might exercise a general supervision over his master's interests.[1] It was with no good-will that he prepared for the bootless errand. He would rather, he said, give 500*l.* to the Benevolence than go.[2] His excuses were not admitted. March 20, the day on which Digby left London for Madrid, was fixed for him to set out, carrying with him the sum which would be needed for the supply of the intended army. March 20 arrived, but Chichester was still detained. The Benevolence came in slowly, and the money was not to be had.[3] To hasten the payment, recourse was had to harsh and extreme measures. Several persons who had refused to contribute were told that they must make up their minds to accompany Chichester to the Palatinate. Amongst these, an aged citizen, who had formerly been a cheesemonger, was informed that his services would be needed to supply the army with cheese.[4] Yet so little did the threats of the Council effect, that March and April passed away before Chichester was enabled to set out.

On April 3, Ferdinand's ambassador, the Count of Schwarzenberg, arrived in England.[5] James was overjoyed at seeing him

April. Schwarzenberg in England.

The Palatinate, he declared, would soon be restored. Spain was putting forth all its influence in favour of peace; and, in spite of the Duke of Bavaria, the Emperor would be forced to submit.[6] Schwarzenberg's immediate mission was, however, one of mere compliment. He had to inform James that, after the suspension of arms had been

[1] Locke to Carleton, Jan. 19, *S. P. Dom.* cxxvii. 36.

[2] Locke to Carleton, Feb. 4, *S. P. Dom.* cxxvii. 67.

[3] Salvetti's *News-Letters*, Feb. $\frac{15}{25}$, March $\frac{8}{18}$. Calvert to Carleton, March 24, *S. P. Holland.*

[4] Mead to Stuteville, Feb. 2, *Harl. MSS.* 389, fol. 140. Chamberlain to Carleton, March 30, *S. P. Dom.* cxxviii. 96.

[5] Calvert to Carleton, April 3, *S. P. Holland.*

[6] Salvetti's *News-Letter*, April $\frac{5}{15}$

concluded, the Emperor would open negotiations for a general peace at Brussels, Cologne, or Frankfort. After remaining a few days in London, he proceeded to Brussels in order to take part in the conference which was soon to commence.

Winniffe's sermon.

Yet, short as his visit was, he was not left in ignorance of the light in which his master's proceedings were popularly regarded in England. Dr. Winniffe, one of the Prince's chaplains, preaching on the 'lusts which war against the soul,' took the opportunity of illustrating the attack of the devil upon the soul by the attack of Spinola upon the Palatinate. The bold preacher was at once committed to the Tower, from which he was soon afterwards set free at Schwarzenberg's request.[1]

English regiments for Spain.

So well satisfied was James with the position of affairs that he ostentatiously granted permission to Gondomar to levy one regiment in England, and another in Scotland, for the Spanish service, under the command of Lord Vaux and the Earl of Argyle. The employment was popular amongst the Catholics, and in a few days the whole number required was ready to cross the sea.[2]

Both at this time and at a later period it was the settled conviction of the English people that Ferdinand was not in earnest in his desire for peace; and if it is meant by this, that he had no desire for a peace to which Frederick would have been willing to submit, the charge is undoubtedly correct. He had made up his mind to the transference of the Electorate as an act to which he was bound by his promise to Maximilian, and by his duty to the interests of the Catholic Church, and he therefore took good care to warn the Infanta that she was by no means to allow any question upon this point to be raised at Brussels. With regard to the restitution of Frederick's hereditary dominions, he had, in all probability, not come to any definite conclusion. As far as it is possible to discover his intentions from his private correspondence, it would seem that

[1] —— to Meade, April 12, *Harl. MSS.* 389, fol. 168.

[2] Locke to Carleton, April 6, 20, *S. P. Dom.* cxxix. 7, 50. Salvetti's *News-Letters*, April $\frac{5}{15}$, $\frac{12}{22}$

if Frederick had been willing to submit to his terms, to engage to give guarantees that he would abstain from hostilities for the future, and to accept the subordinate position which the old constitutional theory allotted to the Princes of the Empire, he would willingly have given way. On the other hand, in common with all reasonable men at the time, he had a strong opinion that Frederick would do nothing of the sort, and he sometimes expressed himself as if he was resolved upon continuing the war whatever might happen.

March. Mansfeld's intrigues.

In the meanwhile, however, Mansfeld was playing his old game in Alsace. With all gravity he was negotiating with Raville, an emissary from Brussels, an engagement by which he promised to change sides for the consideration of a large sum of money for his troops, and of high honours for himself; purposing all the while, as he informed Vere, 'to keep off that side from further levies by the hope they have of his turning unto them.'[1]

Military prospects.

From Mansfeld's mode of carrying on war, Vere at least expected but little good. "His means," he wrote, on April 1, "grow here so short that he can subsist very little longer in these parts. Whither he will direct himself is to himself, I believe, most uncertain; but most conceive it must be where he may find least opposition."[2]

Tilly in the Palatinate.

It was a dangerous policy in the face of the enemy whom he was now to confront. Tilly's soldiers, indeed, were not the orderly and inoffensive warriors which it has pleased partisan writers to represent them. They, too, knew full well how to burn villages and to cut the throats of innocent peasants; but in comparison with the hordes who followed Mansfeld's banner, their discipline was perfect. Tolerably paid, and with supplies from the rear at their disposal, the Bavarian army was under no necessity of roaming about in search of plunder. Nor was its commander a man who was likely to march 'where there was least opposition.' Thoroughly convinced of the goodness of the cause for which he was fighting,

[1] Vere to Calvert, March 15, *S. P. Germany.*
[2] Vere to Calvert, April 1, *ibid.*

Tilly united to those military qualities which raised him to a place amongst the most consummate generals of the age a rare single-mindedness and honesty of purpose. Believing that the cause of order and peace was entrusted to his keeping, he had devoted his life to the suppression of that anarchy which was in his eyes the worst of crimes. Yet, if his bearing was firm, he did not underrate the strength of his opponents. To the south of the post which he had taken up between the Odenwald and the Rhine lay the two strong fortresses of Heidelberg and Mannheim, whilst the western side of the great river was guarded by Frankenthal. Behind these positions Mansfeld could operate in security, having the bishopric of Spires and the Austrian lands in Alsace at his mercy. Beyond the Main, Christian of Brunswick, who had been repulsed in the winter, was again gathering his forces and hanging upon his rear. If the States of the dissolved Union should listen, as was by no means unlikely, to Mansfeld's voice—if Baden, Würtemberg, Hesse-Cassel, and the Protestant towns should spring to arms—the forces which could be brought against him would be overwhelming.[1] To make matters worse, he was by no means certain of the cordial co-operation of his Spanish allies. Ever since the prospect of a suspension of arms had been opened, Cordova, acting no doubt by instructions from Brussels, had been turning a deaf ear to the demands for aid which had been addressed to him by the Bavarian commander.

April. His military position.

Against these dangers Tilly was able to oppose his own military skill, a well-disciplined army, and the advantages of a central position. Yet all this would have availed him nothing but for the moral superiority of his cause. Nowhere in Germany could the slightest enthusiasm for Frederick be discovered. In the Protestant States men might fear the consequences of a Catholic victory, but they feared disorder and organised plunder more. The authority which Ferdinand would exercise might be a stern

Moral and political question at issue.

[1] See the calculations of Maximilian in his letter to the Emperor, Jan. $\frac{16}{26}$, Hurter, *Gesch. Ferdinands II.* ix. 633.

one; the religion which would follow in its train might be utterly unacceptable; but the immediate danger did not lie there. The pretensions of Frederick to meddle with Bohemia had never yet been publicly renounced, and it was felt that those pretensions carried with them the germs of an interminable war. Protestants who had long grumbled against the interference of the Emperor in religious disputes shrank from giving support to an opposition which proclaimed no law but that of the strongest, and to a prince who had collected round his standard a band of hungry adventurers, who were utterly unable to support themselves except by pillaging their neighbours. The price which Germany was called upon to pay for ridding itself of the Imperial authority may well have seemed too high. From henceforth, if Frederick were victorious, every petty prince would know that if he wished for honour and distinction, he had nothing to do but to gather round him a band of hardy ruffians, and to live at his ease amidst the despair of plundered citizens and the agony of burning towns.

To all this Frederick was as blind as ever. He could not see that the one hope for his cause lay in the possibility of disentangling the prospects of Protestantism from the progress of anarchy. If he could do this a mightier Union than that which had sunk ingloriously the year before would arise to support him. The great Protestant States of the North would stand forward as one man to defend the cause of religious independence and political order. With a war such as that which was being waged by Mansfeld and Christian, they would have nothing to do.

To the hopeful predictions which reached him from time to time from Mansfeld's camp, Frederick's ears were ever open. Now that so great an army was gathered round his standard, he thought it was time to show himself in the field. Issuing a manifesto calling the princes of Germany to arms,[1] he suddenly left the Hague. Making his way across France in disguise, he unexpectedly appeared, on April 2, in Mansfeld's camp at Germersheim. He found

Frederick goes to the Palatinate.

[1] *Theatrum Europæum*, i. 622.

the commander in earnest conversation with Raville, and apparently about to conclude a convention which would have placed his whole army at the Infanta's disposal. Mansfeld, as he had probably intended from the beginning, announced to the astonished emissary that all negotiations must now be at an end.

Frederick and Mansfeld.

James had given a hearty consent to the journey of his son-in-law, under the impression that he would be able to exercise authority over Mansfeld, and would forbid him from hindering the prospects of the conference by any attack upon the neighbouring States. Yet to suppose that Frederick could do anything of the sort was to misunderstand utterly the character of the man, and the conditions under which Mansfeld's army could be maintained. Frederick's first words upon his arrival at Germersheim had shown how little he thought of anything but war. "I will have nothing to do with a suspension of arms," he said, turning to Raville as he spoke, "for that will be my ruin. I must have either a good peace or a good war."[1] Nor did he want allies. The Margrave of Baden rose at his summons, and the combined forces marched to attack Tilly, who had already opened the campaign by a series of assaults upon the smaller posts by which Heidelberg was surrounded.

Mansfeld takes the field.

If Frederick had been at the head of a well-disciplined and well-commanded force, such a step would have been the best for him to take. His subjects were being butchered almost before his eyes,[2] and it was certain that he would have a better chance of being listened to in the approaching negotiations if he could present himself as undisputed master in his own dominions. It was not long before the unhappy prince was taught by bitter experience what was the meaning of making war with Mansfeld in com-

[1] The Infanta Isabella to Philip IV., $\frac{\text{April 21}}{\text{May 1}}$, *Brussels MSS.*

[2] *Theatrum Europæum*, i. 621. "At one place taken by Tilly, we hear that half the citizens were also slain; the rest for the most part wounded to death. Many women and children were also slain. The women did great hurt by throwing of hot scalding water." Advertisement, April 19, *S. P. Germany.*

mand. His first operations, indeed, were crowned with success. Near Wiesloch the united Protestant army fell upon the Bavarians, and inflicted a severe loss upon the enemy. Tilly, retreating to Wimpfen on the Neckar, called upon Cordova for assistance, and in the face of so imminent a danger he did not call in vain. Yet though, in spite of the junction of the Imperialist commanders, Frederick's forces were still more numerous than the enemy, he was unable to profit by this advantage. There was no unity of action in his camp. The Margrave proposed that the enemy should be kept in check till the arrival of Christian enabled them to overwhelm him by sheer force of numbers. To this plan Mansfeld was unwilling or unable to accede. For an army such as his it was a physical impossibility to occupy the same position for more than one or two days without starvation. In spite of all remonstrances, he marched away, with the intention of seizing the passage over the Neckar at Ladenburg, after which he would make a sudden swoop upon Cordova's bridge over the Rhine at Oppenheim. The Margrave remained at Wimpfen, to make head against the enemy as best he might.

April 17. Combat at Wiesloch.

As might have been expected, Tilly profited by the opportunity. Gathering all his strength, he fell upon the troops which had been deserted by Mansfeld. On the evening of April 26, the Margrave of Baden was flying in headlong rout from the battle-field of Wimpfen.

April 26. The battle of Wimpfen.

In the meanwhile Mansfeld had taken Ladenburg, but he had done nothing more. Cordova, he heard, had, immediately after the battle, marched straight for Oppenheim, and in that quarter nothing was to be effected. On the day of the battle there had been no more than two days' provisions in Mansfeld's camp. He had, therefore, now no choice before him but to beat a hasty retreat from the Palatinate, even if he had not been desirous to transfer his army to Alsace for reasons of his own. For he already looked upon Haguenau as a place destined to be the capital of the principality, to which he hoped to entitle himself by the sword, and he knew that siege had been laid to it by the Emperor's brother, the Archduke Leopold, who, rash and incompetent as

Retreat of Mansfeld.

ne was, was always better pleased to be at the head of an army than to preside in episcopal vestments in the cathedrals of Strasburg or Passau, of which sees an unwelcome fate had condemned him to call himself the Bishop. It was seldom, however, that his military efforts were crowned with success, and on this occasion he was only just in time to fly in hot haste before Mansfeld's superior forces.[1]

On April 23, three days before the rout at Wimpfen, Weston set out for Brussels. The temper in which he entered upon his embassy was only too likely to bring with it grievous disappointment; for he seems to have expected that, because he was himself sincerely desirous of peace, all difficulties would give way before him. Yet he ought to have known that the position of the Infanta was by no means an easy one. Fully empowered by the Emperor to negotiate the suspension of arms, and for the present, whatever her ulterior objects might be, enlisted in favour of the success of the negotiations, she could not fail to perceive that the news from the Palatinate was not favourable to peace. She had just heard of Frederick's arrival, of the rash words in which he had explained to Raville that he would not hear of a suspension of arms, and of his junction with the Margrave of Baden. She wrote despairingly to Philip, that before the negotiations could come to an agreement a whole year would have passed away.[2]

April 23. Weston sets out for Brussels.

A preliminary difficulty about the form in which the Emperor's authority to treat was couched, was soon got over, upon a promise made by the Infanta's ministers that a document, drawn up in proper form, should be forthcoming before the consultations were brought to an end. When it came to Weston's turn to produce his powers, a more formidable obstacle presented itself. He had brought with him an assurance from James that he would take care that his son-in-law conformed to his wishes; but from

May. Opening of the negotiations.

[1] Nethersole to Calvert, April 26, 29, May 5. Narrative by the Margrave of Baden, April. Wrenham to ——, May 6, *S. P. Germany.*

[2] The Infanta Isabella to Philip IV., $\frac{\text{April 21}}{\text{May 1}}$, *Brussels MSS.*

Frederick himself he could not produce a line ; still less could he show that he had authority to make any engagement on behalf of either Mansfeld or Christian ; and whatever might be the nominal position of those commanders, no one at Brussels doubted for an instant that they were practically their own masters.[1] At last, on May 16, Weston was allowed to despatch a courier to the Palatinate, to request that Frederick and his generals would send representatives, to give him their advice at the conference. By this means he fondly hoped all obstacles would be overcome.[2]

Frederick's difficulties.

Whilst Weston was struggling to disentangle the diplomatic web, Frederick had gone through many changes of opinion. In truth, the dilemma into which he had brought himself, was one which admitted of no escape. Without either money or supplies, it was impossible for him to keep together an army in sufficient numbers to defeat the enemy. It was equally impossible for him to support his army without ravaging the neighbouring territories. It would be well with him if he could drive Tilly back to Bavaria. It would also be well with him if he could sign a peace which would enable him to disband his troops. A mere suspension of arms, which would oblige him to keep his forces together, but which would not enable him to feed them, was fraught with disaster. "A truce," he wrote to James, before he heard of the defeat of his ally at Wimpfen, "will be my utter ruin. The enemy will supply his army with food and money. We are in a ruined country, and we have no mines in the West Indies to fall back upon."[3] Even the bad news that followed did not alter his opinion.[4] At last a sharp letter from James, coming simultaneously with Mansfeld's determination to abandon the attack upon Oppenheim, shook his resolution. On May 3 he wrote

[1] Weston to Calvert, May 15, *S. P. Flanders.*

[2] Weston to Nethersole, May 16, *S. P. Germany.* Weston's Report, fol 2, *Inner Temple MSS.* vol. 48.

[3] Frederick to the King, $\frac{\text{April } 25}{\text{May } 5}$, *S. P. Germany.*

[4] Vere and Nethersole to Calvert, June 11, *S. P. Germany.*

to assure his father-in-law that he was now ready to consent to a truce for a month.[1]

This mood did not last long. On the 18th, he met the Margrave of Baden at Spires, who assured him that, in spite of his defeat, he was still able to bring 7,000 men into the field. A fresh bargain was struck between them, and Frederick promised to agree to no terms without the consent of the Margrave. Christian was known to be at last approaching the Main, and it was settled that the two armies should again combine in order to effect a junction with the new comers.

His warlike tendencies.

The day after this agreement had been made Weston's despatch arrived. Frederick coolly answered that he was now under an engagement to the Margrave, and that till the opinion of his ally had been taken, he could say nothing about the conference at Brussels.[2]

On the evening of the 22nd, the whole force marched out of Mannheim. The next morning the troops were before the gates of Darmstadt. Unable to resist, the Landgrave Louis invited the leaders into the town, where he entertained them hospitably, whilst the soldiers without were driving off the cattle from the fields, and plundering the houses of his subjects. As a Lutheran, who had warmly taken the Emperor's part, he was especially obnoxious to Frederick. He now tendered the advice that it would be well to submit to the Emperor; but Frederick was in no humour to think of yielding. He was now, he said, at the head of a powerful army. He would have nothing to do with submission. His quarrel was not with the Emperor in his imperial capacity. He had only to do with an Archduke of Austria. If he was to have a peace, the arrears of his soldiers' pay must be satisfied; the Electoral dignity and

His attack upon Darmstadt.

His language to the Landgrave.

[1] Nethersole to Carleton, May 2; Frederick to the King, May $\frac{3}{13}$, *S. P. Germany.*

[2] Nethersole to Weston, May 22; Nethersole to Calvert, May 22, *S. P. Germany.*

the whole of the Palatinate must be restored; the privileges and religion of the Bohemians must be guaranteed afresh.[1]

Such words proceeding from a conqueror thundering at the gates of Munich or Vienna would have been in their place. Coming from Frederick, they were most disastrous to the cause of which he had made himself the champion. We can fancy the grim smile of scorn with which they would be received in every Catholic town in Europe. The proscribed prince, it would be said, was incorrigible. This, then, was the meaning of the negotiation opened at Brussels, and of the promise to accept the decision of his father-in-law. If he was so elated by the capture of an undefended town, as to talk of re-opening the question of the government of Bohemia, what security could there possibly be that, if he were re-instated in his hereditary dominions, he would not use the power thus conceded to him for a renewed aggression upon his neighbours?

Frederick did not stop here. The Landgrave of Darmstadt had a fortified post at Russelheim, which commanded a passage over the Main. He was now ordered to place it in the hands of his importunate guest. Unable to resist, Louis sought safety in flight. His movements were soon discovered, and he was captured, and brought back to the town. Frederick, and his instigator, Mansfeld, soon found that they had gained but little by their violence. Turning to bay, the Landgrave refused to comply with their demands, and was carried off as a prisoner when the army marched towards the Main.

Imprisonment of the Landgrave.

In spite of Louis's refusal, Mansfeld directed his course towards Russelheim, hoping to overawe the commander of so small a post. The man, however, proved staunch to his duty, and Mansfeld turned aside towards Aschaffenburg, searching for a passage across the broad river which divided him from Christian. He had not gone far before bitter news was brought. Tilly had received a strong reinforcement, and was on the watch to intercept him. The next moment the great army of which Frederick had spoken

Mansfeld's retreat.

[1] The Landgrave of Hesse-Darmstadt to the Elector of Mentz, May 29, *S. P. Germany.*

so boastfully was in full retreat. Its rearguard was attacked near Lorsch, and suffered some loss; but the remainder of the force contrived to find an inglorious shelter behind the walls of Mannheim.[1]

At the moment of the fatal raid upon the Landgrave, what little chance of an accommodation still remained melted into the air. After all that had passed, it was perhaps a light thing for Frederick that the Emperor or the Duke of Bavaria should steel their hearts against him. It was the last hope of summoning Protestant Germany to his aid which he had dashed aside. In the beginning of May, there had been signs that the neutral states were alarmed at the progress of the Imperialists. The Duke of Würtemberg had offered his mediation; the King of Denmark had sent a fresh embassy to plead the cause of the proscribed Elector; and, what was more significant still, the Elector of Saxony himself had written to Ferdinand, to urge him to a complete restitution of all that Frederick had ever possessed.[2] The imprisonment of the Landgrave of Darmstadt, and the rash words which Frederick had uttered about Bohemia, put an end to these well-meant efforts. The King of Denmark and the Duke of Würtemberg submitted to the rebuff which had become inevitable; and, before two months were over, John George was giving his warmest approval to the Emperor's scheme of transferring the Electorate to Maximilian.[3]

May 30. Ruin of Frederick's cause.

The day before Frederick's return to Mannheim, Chichester arrived from England.[4] After long waiting he brought with him such money as the Benevolence had afforded; and he had instructions to require Frederick to remain within the Palatinate, and to abstain for the future from any aggression upon the territories of his neighbours.

Chichester's arrival.

To Chichester's military eye nothing could be more deplor-

[1] Nethersole to Calvert, May 27, June 2, *S. P. Germany.* Vere to Carleton, June 2, *S. P. Holland.*

[2] The Elector of Saxony to the Emperor, May 4, *Londorp*, ii. 605.

[3] Hohenzollern to the Emperor, July $\frac{8}{18}$, *Khevenhüller*, ix. 1763.

[4] Vere to Carleton, June 2, *S. P. Holland.*

able than the aspect of the troops which he saw defiling past. The long train of baggage, and the crowds of wretched women who had been dragged or enticed from their devastated homes, did not bode well for the future operations of the army. It was 'ill disciplined,' he wrote, 'and ill armed.' As for the skirmish at Lorsch, 'considering the advantages which the enemy had, and the assurance which they had to give an absolute defeat, I hold it for a very happy and honourable day for the King.'[1]

June. He attempts to negotiate an armistice.

For some time Chichester pleaded in vain with Frederick. The army was again about to retire into Alsace, and the unhappy prince refused to remain in the Palatinate alone. A letter from Weston, however, changed the current of his thoughts. The Infanta, it seemed, had consented to request Chichester to negotiate a short armistice, in order to give time for the discussion of the arrangements for a permanent suspension of hostilities, and had written to Cordova and Tilly asking them to accept the terms proposed by him. To an armistice thus demanded, Mansfeld was willing to agree ; for he had no longer any hope of beating Tilly in the field, and he supposed that the Infanta would still be ready to buy off his opposition at his own price. Frederick, who was now entirely in Mansfeld's hands, turned round once more. He was ready, he said, to consent to an armistice for three weeks. The troops would be able, for so short a time, to shift for themselves, without leaving the Palatinate. He would himself send an agent to Brussels and his allies would do the same.[2]

Its rejection by Tilly.

Chichester next turned to the Imperial commanders. The moment was ill chosen to talk of an armistice. Provoked by the attack upon Darmstadt, they were little inclined to halt in their career of victory. Nor were better reasons wanting to hold them back from accepting the proposal of the English ambassador. At last Christian, laden with the plunder of the Westphalian Bishoprics, was drawing

[1] Chichester to the King ; Chichester to Carleton, June 2, *S. P. Germany.*

[2] Chichester to Weston, June 5 ; Chichester to the King, June 6, *S. P. Germany.*

near. It was not even pretended that he had agreed to suspend hostilities, and they had no wish to see him effecting a successful junction with Mansfeld. Cordova, accordingly, taking advantage of a phrase in the Infanta's letter by which the granting of the armistice was made conditional on the military situation, answered that he could do nothing without the consent of the other commanders, and prudently omitted to forward the letter which had been intended for Tilly.[1] Tilly's course was thus made plain before him. He had heard nothing, he said, from the Infanta ; and without an express order from the Emperor he could do nothing. He should, however, be glad to be informed where the troops of Mansfeld and Christian could find quarters which would enable them to abstain from attacking the Emperor's allies, and what assurance could be given that they would observe an armistice if it were agreed upon.[2]

Chichester's opinion of Frederick's forces.

Of the treatment to which he was subjected, Chichester complained bitterly ; but in his calmer moments he could not deny that Tilly's doubts were not unreasonable. "I observe," he wrote to Calvert, on June 11, "so much of the armies of the Margrave of Baden, and of the Count Mansfeld, which I have seen, and of their ill discipline and order, that I must conceive that kingdom and principality for which they shall fight to be in great danger and hazard. The Duke of Brunswick's, it is said, is not much better governed, and how can it be better, or otherwise, where men are raised out of the scum of the people, by princes who have no dominion over them, nor power, for want of pay, to punish them, nor means to reward them, living only upon rapine and spoil, as they do? I pray God to preserve the Duke of Brunswick and his forces ; for if they receive a blow, as I have cause to doubt, all that is left to the Prince within the Palatinate will be in danger. His towns are ill-victualled, his garrisons weak, and the soldier discontented, his weekly pay being so small, by

[1] Weston's Report, fol. 4 b, *Inner Temple MSS.* vol. 48. Weston to Calvert, June 22, *S. P. Germany.*

[2] Tilly to Chichester, June $\frac{8}{18}$ ; Chichester to the King, June 11, *S. P. Germany.*

raising of the value of money, that it can hardly buy him bread to sustain nature. These and other miseries which I daily behold with grief, together with the strange carriage of the Emperor's chiefs since the receipt of the Infanta's letters, make me to doubt the good success of our part by arms. I pray God it was otherwise."[1]

Already, the day before these prescient words were written, the blow which Chichester feared had fallen upon Christian.

June 10. Battle of Höchst.

Rapidly marching upon Aschaffenburg, the combined forces of Tilly and Cordova had crossed the Main, at the very spot at which Mansfeld had hoped to pass the river a few days before. Wheeling to the left, they took their way with all speed along the further bank. At Höchst they found Christian utterly unprepared for the attack. After a short struggle, his troops were driven in headlong rout across the stream. Gathering together the scattered remnants of his beaten army, he contrived to make his way to Mansfeld at Mannheim.[2]

Frederick was in evil plight. Twenty-five thousand men were still collected round him; but with such an army he could

Frederick disheartened.

neither wage war nor make peace. The Margrave of Baden was the first to slink away without a word, leaving his troops to extricate themselves from their difficulties as best they could.[3] Mansfeld and Christian were in haste to be gone, far away from the terrible sword of Tilly. Whilst they remained at Mannheim, their troops had consumed the provisions which had been laid up for the garrison, and there was nothing but starvation before them if they remained.

Chichester saw clearly that, if peace was to be had at all, Frederick must be separated from the adventurers into whose

He determines to leave the Palatinate.

hands he had fallen. He begged him, therefore, to stay behind at Mannheim. Finding that his reasoning was without effect, he produced an indignant letter which James had written on the first news of his son-in-law's

[1] Chichester to Calvert, June 11, *S. P. Germany.*

[2] Vere to Calvert, June 11; Nethersole to Calvert, June 18, *S. P. Germany.*

[3] Chichester to Weston, June 22, *S. P Germany.*

refusal to take part in the conference at Brussels.[1] It was all to no purpose. Frederick was resolved to go. If his father in-law, he said, knew the state in which he was, he would not press him to remain. He was ready to submit to the treaty. He would do no hostile act; but his person was not safe at Mannheim. If the King did not like him to accompany the army, he would go to Switzerland. On the 13th, he rode out of Mannheim with the troops of Mansfeld and Christian on their retreat to Alsace.[2]

Never again was Frederick to look upon his native soil till he returned in the train of a mightier deliverer, to find himself, in victory as in defeat, a mere helpless waif upon the current. He was not wholly selfish or unprincipled. His weak and unstable nature had been stirred to its shallow depths by the passions of his age; but his mind was of that temper that everything seemed easy to him which was yet to be undertaken, and every obstacle seemed insuperable when he was brought face to face with its difficulties. It was his sad destiny never to see anything as it really was, and never to count any enterprise impossible till he was called upon to engage in it. The popular commonplaces about German liberty and religious freedom were ever on his lips, whilst he never for a moment thought it worth his while to test their meaning, or to ask himself how far they represented valuable ideas, or how far they had been encrusted with notions and opinions which were altogether destructive and indefensible. Even now, after all his past experience, he could not discern that, whatever his countrymen might be ready to do in future days after they had felt the full weight of the Emperor's yoke, they were not yet prepared to cast down the imperial edifice which, time-worn and shattered as it was, was yet their only shelter against high-handed injustice and never-ending strife. The strength of Ferdinand and Maximilian lay in the position which they occupied as supporters of order, and as champions of national unity. The rash appropriation of the Bohemian crown, the

[1] The King to Frederick, June 3, *Add. MSS.* 12,485, fol. 133 b. The King to Chichester, June 3, *Sherborne MSS.*

[2] Chichester to the King, June 23, *S. P. Germany.*

refusal to acknowledge the consequences of defeat, and above all, the employment of Mansfeld and his freebooters, had left Frederick without a reputable friend in the Empire.

From such a spectacle it is well to turn for a moment to the calm devotion of the English commander. No man knew better than Vere how hopeless his military position was. Yet it was not of the overwhelming forces of the enemy that he complained the most. During the days which Frederick had spent at Mannheim, that unhappy prince had continued to see with Mansfeld's eyes and to hear with Mansfeld's ears. To Vere, who was ready to sacrifice everything in his cause, he refused even the courtesy of a seat in the council of war.[1] Of his plans and desires he left him in as complete ignorance as the meanest soldier in the camp. And now when, with the help of the money which Chichester had brought, Vere was able to fill up the ranks of his garrisons, the same evil influence met him at every turn. Mansfeld's men had consumed the provisions on which he had depended to carry him through the siege. "If we be attempted," he wrote despairingly to Carleton, "I shall doubt very much of the event. Besides, Count Mansfeld hath taken a great part of our serviceable men from us, and put the most poor in their places that ever I saw."[2] It could not well be otherwise. Licence to rove unheeded in quest of fresh stores of plunder, was the bait by which Mansfeld attracted round him his demoralised soldiery. Hard blows for the sake of a prince who himself refused to share the dangers to which his followers were exposed, were all that Vere could offer.

Vere's position.

The crisis seemed to be rapidly approaching. On June 20, seven days after Frederick turned his back upon Mannheim, Tilly appeared before Heidelberg, and shots were exchanged with the garrison. To Chichester's demand that he should refrain from attacking a town held by the troops of the King of Great Britain, he returned a curt answer, that he should not change his plans without an express order from the Emperor This time, however, the

Siege of Heidelberg begun and interrupted.

[1] Vere to Carleton, June 11, *S. P. Holland.*

[2] Vere to Carleton, June 24, *S. P. Germany.*

danger passed away. The Imperialist commanders came to the conclusion that as long as Mansfeld was at large, it would be dangerous to undertake the siege. It was always possible that the adventurer might recross the Rhine, and make a dash at the unplundered homesteads of the great Bavarian plain. Tilly, therefore, marched southwards to bar the way, leaving Cordova to make the return of the enemy into the Palatinate impossible. The Spaniard did his work with pitiless severity. From behind the walls of Mannheim, Chichester, fretting under the enforced inaction, was able to trace his progress by the rolling flames which sprung aloft from the villages which had once been the happy homes of a contented peasantry. If Mansfeld should attempt to return he would find nothing but a blackened wilderness, unable to supply food to his army for a single day.[1]

Cordova's ravages.

To the peasant, who saw the result of his lifelong toil drifting away amidst smoke and flame, it mattered little whether his ruin was to be ascribed to Cordova or to Mansfeld. To all who were looking anxiously into the future, it made a great difference whether these atrocities were committed with a definite military object or not. When that object had been attained, Cordova's ravages would cease, whilst the evil deeds of Mansfeld's bands would never come to an end as long as his army remained in existence. When, on June 15, the conferences were re-opened at Brussels, Weston soon discovered that his position was changed for the worse. The letter of credence which he now produced from Frederick was at once rejected, and formal powers, as binding as those which had by this time been received from the Emperor, were demanded by the Infanta's commissioners. It was in vain that Weston stood up for the sufficiency of his master's guarantee. His arguments, he found, had little weight with men who knew that Frederick, in his conversation at Darmstadt, had flung his promises to the winds, and had positively declared that he had no intention of submitting to the Emperor at all. A fresh

Discussion at Brussels about the powers;

[1] Chichester to Carleton, June 26, July 10, 22. Tilly to Chichester, $\frac{\text{June } 25}{\text{July } 5}$, *S. P. Germany.*

difficulty, which arose from the probability that if Frederick consented to sign the powers required, he would insist upon styling himself King of Bohemia, was got over by an agreement that James should issue a fresh commission, and that it should be sent to his son-in-law, to be confirmed by the simple signature—Frederick. At the same time it was agreed that Mansfeld and Christian should be asked to send special powers, binding themselves to submit to the arrangements made at Brussels.[1] As there would be some delay in obtaining the fresh commission from England, Weston took advantage of the courier who carried these demands, to ask Frederick to send full powers at once, which, even if they were rejected on account of the title used by him, would at least serve to show that he was in earnest in submitting to the negotiation in progress.

The next few days only served to bring out more clearly the real difficulties of the case. Christian of Brunswick had held back from taking any part in the conferences whatever. Mansfeld had sent a Captain Weiss to consult with Weston, with instructions to ask not only for a pardon for himself and his followers, and for permission to retain the places which he held in the Empire till the conclusion of the final treaty of peace, but also for a considerable sum of money, to enable him to disband his troops. This last request was justly considered as exorbitant by Pecquius. "They who have employed the Count," he said to Weston, "ought to satisfy his demand for money." Nor was it only from the difficulty of treating with such a commander as Mansfeld that the Infanta began to despair of the success of her efforts at mediation. Every letter which reached her from Vienna conveyed a fresh assurance of Ferdinand's resolution to deprive Frederick of the Electorate, whatever he might do about the territory; and an objection made, at the request of the Imperial ambassador, to the use of the word "Elector" in James's commission, had been met by

and about the disbanding of Mansfeld's troops.

Despair of the Infanta.

[1] Weston to Calvert, June 22, *S. P. Germany.* Narrative of the Conference, $\frac{\text{June } 24}{\text{July } 4}$, *Brussels MSS.*

an announcement from Weston, that his master required the restitution of the honours as well as of the patrimony of his son-in law.[1]

To no one did the pretensions advanced on both sides give greater disquietude than to the Infanta. On the one hand, she insisted on rejecting Mansfeld's demand for money; on the other hand, she wrote to Oñate, begging him to urge the Emperor to desist from his design, and to tell him plainly that if he refused to do so, he must give up all hope of peace.

It was in the midst of this entanglement that news arrived from Alsace, which, for a time, seemed likely to extricate the English negotiator from his difficulty. A few weeks' experience in Mansfeld's camp was beginning to tell even upon Frederick. It was evidently not by aimless wandering in pursuit of booty that the Palatinate would be recovered. When Weston's demand for powers reached him on June 28, he was in no mood to raise any further obstacle. The next day he forwarded to Brussels two copies of the document required, one with, and the other without the only seal which he possessed—the seal of the Kingdom of Bohemia. In a letter to Chichester, which was written on the same day, he bitterly complained of his position. "I hope," he wrote, "that the excesses committed here will not be imputed to me. I am very sorry to see them, and I wish for nothing better than to be away from them." The day before he had expressed himself in stronger terms. "As for this army," he said, "it has committed great disorders. I think there are men in it who are possessed of the devil, and who take a pleasure in setting fire to everything. I should be very glad to leave them. There ought to be some difference made between friend and enemy; but these people ruin both alike."[2]

Frederick in Alsace.

His complaints of the army.

[1] Weston to Calvert, June 30, *S. P. Germany.* The Infanta Isabella to Philip IV., $\frac{\text{June } 24}{\text{July } 4}$, *Brussels MSS.*

[2] Frederick to Chichester, June 28, *S. P. Germany.* The following extract from a letter from Frederick to his wife will be found misplaced amongst the Holland State Papers of December, 1622. It is evidently the decypher of part of a paragraph in cypher from a letter written about this time, the first clause being imperfect :—"Le disordre parmy la soldatesque

Yet, what to do, Frederick hardly knew. At first he talked of returning to Mannheim; but this plan he surrendered in the face of Mansfeld's objections, and he finally determined to take refuge with the Duke of Bouillon at Sedan. On July 3, therefore, he left the army, after issuing a proclamation by which he dismissed the troops from his service, assigning as a motive his inability to find means to pay them. As far as he was concerned, the garrisons which still held out in Heidelberg, in Mannheim, and in Frankenthal, were left to their fate.

July. He dismisses it from his service.

qui pilloit tout sans respect ny difference avec autres inormitez, il estoit a craindre que l'ennemie le poursuivant il serait forcé a se retirer en Lorain, et nos soldats y faire autant d'insolences commes ils ont accoutumé, ainsois je ferois sans nulle utilité plus d'ennemis, et estoit a craindre une mutination, a faute d'argent et vivres. Mansfeld a desiré que le Roi de Boheme le licentia et donnast permission de chercher autre part condition, menant toutes les officieres. Je luy ay donné cela par escrit, n'ayant aucun moyen de les entretenir. Il dit me pouvoir plus servir par diversion; le Duc de Brunswic a bien bonne intention, si le Prince d'Orange luy pouvoit envoyer quelqu'un pour l'assister de bon conseil."

## CHAPTER XLI.

### FRESH EFFORTS OF DIPLOMACY.

Now that a separation had been effected between Frederick and Mansfeld, Weston saw a door of escape from his difficulties. He had lately asked in vain for a suspension of arms in the Palatinate alone, and had been told that, unless he could engage that the whole of the forces on his side would remain quiet, the Infanta was utterly without power to restrain the armies of the Emperor.[1] As soon, therefore, as the news reached him, he hurried to Spinola, and told him what had happened. To his surprise, Spinola did not seem to think the intelligence of any great importance. The army, he said, was less by one man only, the same commanders and the same enemy being still in the field. Most likely the whole affair was a trick. Against this insinuation Weston protested loudly. His master's son-in-law, he said, was now ready to conform to anything. The King of England had no command over those who were not his subjects nor in his pay. If it was desired, he would join his arms with those of the Emperor against the perturbers of the public peace; but if a suspension of arms were not granted in the Palatinate without reference to Mansfeld, and if Heidelberg and the other towns were assaulted, his Majesty would take it as a declaration of war against himself. "The treaty," Spinola replied, "were it not for the point of the auxiliaries, might be most easily and speedily

Weston presses for a suspension in the Palatinate.

July 12.

[1] Weston to Calvert, July 6, *S. P. Flanders.*

concluded ; but if, while these men spoil our countries, we shall stand with our hands tied, all the world will deride us." [1]

It was not only from the language addressed to his representative at Brussels that James learned that he would not be allowed to have everything his own way. He had already received a letter from the Emperor, announcing that he intended to hold at Ratisbon, on the 22nd of August, an assembly composed of the five loyal Electors, together with three Protestant and three Catholic Princes, for the purpose of settling the conditions of a permanent peace ; and this announcement was coupled with an invitation to send an English ambassador to take part in the negotiations.[2]

Projected assembly at Ratisbon.

August 22. September 1.

That James should have been startled by this letter was only natural. Of the eleven members of whom the assembly would be composed, the three ecclesiastical Electors, with the Duke of Bavaria, the Archbishop of Salzburg, and the Bishop of the two sees of Bamberg and Würzburg, were most unlikely to take a lenient view of Frederick's proceedings. Nor were the names of the Protestant minority more reassuring. The Elector of Saxony, the Elector of Brandenburg, the Landgrave of Hesse-Darmstadt, and the Dukes of Brunswick and Pomerania were all either hostile or indifferent to the fugitive Elector Palatine. An announcement such as that which now reached James ought surely to have driven him to reconsider his position. If it was true, as rumour said, that the first proposition submitted to the meeting would be one for the transference of the Electorate, it would be well for James to ask himself how it had become possible for Ferdinand to expect that his policy would find support in a body in which Protestant Germany was so largely represented. The answer was, in truth, not difficult to be found by anyone who knew how to look for it. That Mansfeld, and such as Mansfeld, should have the free range of the Empire, to burn and plunder where they would, was an intolerable evil. In the face of danger the nation was clinging to the Imperial organization as the only centre of unity which it possessed. No

[1] Weston to Calvert, July 13, *S. P. Flanders.*

[2] Ferdinand II. to the King, June $\frac{8}{18}$, *S. P. Germany.*

foreign prince who tried to break up this unity, loose as it was, would have a chance of being heard, unless he could provide for the restoration of civil order. For the moment, the religious question was in abeyance. These, however, were not the thoughts with which James's mind was occupied. In the Emperor's letter he saw nothing more than a gross personal insult to himself. Ferdinand, he declared, had promised to treat with him on equal terms. What right then had he to make his decisions in any way dependent upon the wishes of the Princes of the Empire? It was derogatory to the honour of a King of England that his ambassador should be summoned to dance attendance upon an assembly so composed.[1]

Frederick's cause hopeless.

It was not only on this point that James failed to comprehend the situation of affairs. It was impossible for any candid mind to dissociate the proceedings of Frederick from the proceedings of Mansfeld. Spinola was no doubt in the wrong when he spoke of Frederick's proclamation, by which his troops had been disbanded, as altogether illusory; but the question to be considered was not whether the exiled Prince meant what he said now, but whether he would say the same thing if he found himself restored to his ancient position. If the capture of an undefended town had led him to reject with scorn the suggestion made by the Landgrave of Hesse-Darmstadt, that he should submit to the Emperor, what was to be expected if he found himself once more in the possession of the Palatinate? How long would it be before he took some new offence at one or other of his neighbours. Then would be seen the consequences of Imperial lenity. Fresh hordes of brigands, unpaid and unprovided, would pour forth once more to seek their prey, and the whole work of repression would have to be done over again.

Such was the wide-spread feeling which at this conjuncture led Protestant and Catholic alike to give their support to Ferdinand. As far as Frederick was personally concerned, the argument was unanswerable. Every year his power for doing good had grown less and less. One by one, he had thrown away his chances. In 1619, by refusing the crown of Bohemia, he might

[1] The King to Ferdinand II., July 8, *S. P. Germany.*

probably have secured the religious liberty of that country. At the close of 1620, by renouncing the throne which he had lost, he might have secured the religious liberty of Protestant Germany. In 1621, by cordially accepting Digby's mediation, he might at least have obtained, under very stringent conditions, the restitution of his own states. And now even that hope was gone. From the moment of his attack upon Darmstadt he had nothing left but abdication.

As usual, in James's unhappy reign, the true policy of England is to be found not in the manifestoes of its sovereign, or in the despatches of its ministers, but in the memorials in which Spanish statesmen expressed their apprehensions The Council of State at Madrid was still divided between its desire to further the interests of the Catholic Church in Germany and its dread of provoking a war with England. Of the necessity of peace for the best interests of the monarchy, none could be more clearly convinced than the ministers of Philip. "If we go on with the war in the Lower Palatinate," the Infanta Isabella had written towards the close of the preceding year, "we shall have before us a struggle of the greatest difficulty. We shall be assailed by the whole force of the opposite party, and the burden will fall with all its weight upon Spain. It will hardly be possible to bring together sufficient forces to meet the enemy. It will, therefore, be better to agree to a suspension of arms for as long a time as possible, leaving each side in possession of the territory occupied by it, in the hope that time will show what is best to be done."[1]

January. Desire of Spain for peace.

In the same spirit the Council of State utterly rejected a suggestion thrown out by one of the Emperor's councillors at Vienna, to the effect that the brother of the King, the Infant Charles, might marry the eldest daughter of the Emperor, receiving a new kingdom, to be composed of Franche Comté, Alsace, and the Lower Palatinate.[2] Oñate was directed to inform Ferdinand that

Rejection of a proposed cession of the Lower Palatinate.

[1] The Infanta Isabella to Philip IV., Dec. $\frac{14}{24}$, 1621, *Brussels MSS.*

[2] Minutes of Oñate's despatch, Nov. $\frac{7}{17}$, 1621, *Simancas MSS.* 2403 fol. 8.

Spain wished for no extension of its territory. It was by positive declarations that nothing of the kind was intended, that the King of England had been induced to refrain from taking part in the war, and the promise thus solemnly made must not be broken. The Council then proceeded to adopt Zuñiga's scheme in full. Let the Electorate and the two Palatinates be transferred from Frederick to his son. Let the boy be educated as a Catholic, either at Vienna or at Munich, and be married either to the daughter of the Emperor or to the niece of the Duke of Bavaria. The administration of the territories might be confided to Maximilian as long as the young prince was under age, in order that he might be able to pay himself for the expenses of the war. A pension might be assigned to Frederick for his support. His son would be a Catholic, and his states would soon be Catholic also.[1]

Plan for the settlement of Germany.

That such a proposal should ever have been made is only one more proof of the ignorance of the Spanish ministers of a world which was not their own. It must, however, be acknowledged that James at least had done his best to blind them to the difficulties of a scheme which would satisfy the dynastic interests of his family, but would sacrifice the religious independence of the inhabitants of the Palatinate. Yet even thus Zuñiga shrank from openly proposing the adoption of his plan. It would, he said, be accepted at once by James and his son-in-law, but they would add a stipulation that the boy should be educated at Dresden instead of at Vienna.

That the policy thus indicated was the only sensible policy for James to adopt there can be no reasonable doubt. It would leave the boundary between the two religions untouched, at the same time that it would afford the surest guarantee for the future peace of the Empire. Unfortunately, its very wisdom was enough to place it out of the question with James.

Whilst Spain and England were thus both employed in

[1] Consulta of the Council of State, Jan. $\frac{8}{18}$, *Simancas MSS.* 2403, fol. 8. Philip IV. to Oñate, Jan. $\frac{18}{28}$, *Brussels MSS.*

offering impossible compromises, Ferdinand, without making up his mind upon the future disposition of Frederick's territory, was doing his best to obtain the consent of the King of Spain to the transference of the Electorate; and it was not long before the friar Hyacintho arrived at Madrid, bearing with him the despatches of which the copies had been intercepted by Mansfeld. To all outward appearance, he failed in the object of his mission. Fresh despatches were sent to Oñate, directing him to support an arrangement which would confirm the son of Frederick in the Electorate. But he was privately assured by Zuñiga that the King had no special predilection for the proposal made in his name, and that if the Emperor could only manage to carry out his wishes without implicating Spain in the affair, he need fear no opposition at Madrid. All that was really wanted was that they should be able to make James believe that the thing had been done against the wish of the King of Spain. So secret was this declaration to be kept that not even the Council of State was acquainted with its purport.[1]

Hyacintho at Madrid.

March.

Such were the circumstances under which Digby set out from London to return to Spain.[2] The hopes which he had cherished four short months before were gone for ever. The vision of an English army in the Palatinate well disciplined and well paid, strong enough to inspire respect, and unencumbered with the necessity of plundering in order to maintain itself in existence, had melted into air; but it was still possible, he thought, to secure the co-operation of Spain by a strong representation of the evils which would necessarily result from a renewal of the religious struggle of the past century, and by threats of the imminence of war if any support were given to the aggressive designs of the Emperor. Yet it is easy to perceive, from the tone of his despatches, that he felt that he had come as an ambassador and not as a statesman. In every line is to be traced the fearless

Digby's return to Spain.

[1] *Khevenhüller*, ix. 1765–1771. Philip IV. to Oñate, March $\frac{5}{15}$, May $\frac{8}{18}$, *Brussels MSS.*

[2] Calvert to Carleton, March 24, *S. P. Holland.*

independence of a man who is capable of forming his own opinions; but he is no less careful to show that he comes to carry out a policy which has been shaped by others, and the success of which will mainly depend upon measures over which he has no control.

Not only was the mission on which Digby now started hopeless, but he altogether failed to penetrate the motives and intentions of the Spanish Government. It was not that he did not give himself extraordinary pains to discover the secret intrigues of the ministers. He found means of acquainting himself with the debates in the Council of State, and of getting a sight of the orders which issued from the Royal Cabinet.[1] Trickery and falsehood he was prepared to meet; but even his long residence at Madrid had not prepared him for the wild hallucinations by which the Spanish statesmen were actuated. It was possible, he thought, that Philip and Zuñiga might embrace the prospect of maintaining that peace of which the monarchy stood so much in need. It was also possible that they might be carried away by religious zeal to throw in their lot with the Emperor; but that they should fancy it possible to convert the Palatinate by force, and at the same time to remain on a friendly footing with a Protestant nation—that they should look forward with satisfaction to the frustration of the hopes of James by the interposition of the Pope's veto upon the marriage treaty, without expecting to wound his susceptibilities, was so utterly ridiculous, that Digby could never bring himself to believe that the policy of a great nation could be moulded on so wild a fancy. Yet it was at nothing less than this that Zuñiga was aiming.

The truth was, that Spanish politicians were walking upon enchanted ground. Nothing seemed in their eyes to be what it really was. The old illusion of Philip II., that Spain could beat down all opposition by force, had only been surrendered to make way for the still stranger illusion that Spain could gain her objects without using force at all. Yet the statesman who now directed the counsels of the

Policy of Zuñiga.

[1] Bristol to the King, Aug. 18, 1623, *S. P. Spain.*

monarchy was incomparably superior to any minister who had been known in Spain for many years. With Lerma and Uzeda the first thought had been how to fill their own pockets. With Zuñiga the first thought was how to make his country prosperous at home and respected abroad. Vigorous attempts had been already made to effect at least some improvement in the shattered finances, and to encourage population and industry by every measure which the political knowledge of the day was able to suggest.[1] Such reforms, indeed, were not likely to go far as long as the social and intellectual habits of the people remained unchanged; but they were certain, as Zuñiga was well aware, to be entirely thrown away if Spain engaged in a fresh continental war.

To a certain extent, Zuñiga's opinions were shared by the other members of the Council of State. Like him, they were anxious to maintain peace with England; like him, they thought that peace would not be broken even though Protestantism were stamped out in the Palatinate; but they refused to believe that it would not be broken if the dynastic interests of James were affected by the transference of the Electorate.[2]

In this difference of opinion between the Council and the chief minister the judgment of the King was of no weight whatever. Philip IV., at this time a lad of seventeen, had no mind for anything but amusement. He was fond of bull-fights and hunting; he was no less fond of Court festivities and of dissipation of a more degrading kind; but he never could be induced to take a moment's thought for serious business.[3] Whatever Zuñiga recommended he was ready to say or do. Further trouble than that he utterly refused to take.

Character of Philip IV.

Yet even with this advantage, Zuñiga did not venture openly

[1] Lafuente, *Hist. Gen. de España*, xvi. 21–28.

[2] The difference of opinion is scarcely indicated by Khevenhüller at this time. But from a later passage which will be afterwards quoted, in which he describes the cause of Zuñiga's death, it is evident that it already existed.

[3] *Relazioni Venete*, Spagna, i. 600.

to oppose the decisions of the Council of State. Composed, as this body was, of men of high birth, who had many of them taken a share in its deliberations for a long series of years, he seems to have doubted whether even Philip's nonchalance would be proof against an open breach between himself and the Council. At all events, he preferred not to face the storm. The decisions of the Council were to be taken to the King to be converted into royal ordinances, or to be recommended to the Spanish ambassadors at foreign courts as the basis of their diplomacy, whilst he was all the while watching with satisfaction the current of events which would make the policy which he ostensibly adopted impossible, or was even intriguing to defeat the measures to which he had himself publicly assented.

Zuñiga and the Council of State.

Such was the strange chaos of wild hopes and incompatible designs across which Digby, strong only in his honesty of purpose and his knowledge of the laws by which the conduct of ordinary men is guided, had come to lay a road firm enough for human beings to walk without danger of being engulfed in the depths beneath. Believing, as he did, that even Spaniards would hardly go on seriously with the marriage treaty unless they meant to give satisfaction to his master in Germany, he made it his first object to discover their intentions on this important point. It was not long, therefore, before he spoke plainly to Zuñiga on the subject. It was now, he said, two years since Lafuente had left England in order to make a demand for the dispensation at Rome. As nothing had as yet been done, he wished to know whether the Spanish Government would obtain a decision one way or another, in order that, if the difficulties proved insuperable, his master might bestow his son elsewhere.

June. Digby asks for an assurance about the marriage treaty.

Zuñiga, in truth, would have been glad enough if the cardinals could have been persuaded to continue the discussion of the marriage for twenty years instead of two; but he did not venture to say so, and after giving Digby every assurance of his personal good-will, asked him to repeat the question to the King himself.

Philip's answer.

Philip accordingly, being well tutored, gave the most satisfactory of answers. The proposition, he said, was very grateful to him. He desired the match as much as his father had done, and there should be no want on his part in bringing it to a speedy conclusion. If it had not been begun by his father, he would himself have been the beginner of it. He only hoped that the King of England would be well satisfied with the expected decision of the Pope.[1]

Digby's interview with the Infanta.

Digby was, however, too well versed in the arts of courts to put his trust in words alone. The test which he selected of Philip's sincerity was derived from his intimate knowledge of Spanish manners. In those Southern countries it was considered the height of impropriety to allow a lady to receive the addresses of a suitor before her parents or guardians had made up their minds to allow the marriage to take place. The ambassador, therefore, asked leave to visit the Infanta, and stated as his motive that he had a message to deliver from the Prince. His request was immediately granted, and he was allowed to assure the lady 'that as there was not the thing in the world which' the Prince 'more desired than to see the treaty effected, so he hoped it was agreeable to her, and that she would aid in it.' "I thank the Prince of England much for the honour which he does me," replied the Infanta, and the interview was at an end.

Upon this visit Digby laid no little stress in his report of the sentiments of the court. Yet he was not altogether at his ease. He added a request for positive instructions to come away at once, the moment that he was able to discover the slightest inclination to delay the conclusion of the treaty. If, however, he could believe the assurances that were given him, there was no reason why the Infanta should not be in England in the spring.[2]

May. Gondomar's recall.

For the moment, however, the Spaniards had a valid excuse for delay. They could not treat about the marriage till a definite decision arrived from Rome; they

[1] Bristol to the King, Aug. 18, 1623, *S. P. Spain*

[2] Digby to Calvert, June 30; Digby to the Prince of Wales, June 30. *S. P. Spain.*

could not treat about the Palatinate till Gondomar, who had been recalled to Spain as the only man fit to cope with Digby, arrived at Madrid.[1]

Gondomar's departure from London had been accompanied by a general shout of exultation from the English people. No more unpopular ambassador has ever left our shores. In addition to the evils which he undoubtedly caused, his memory was saddled with countless crimes of which he was no less undoubtedly innocent. Yet, after every deduction has been made, enough remains to justify the popular verdict. He had stood in the way of the national resolve; he had induced James, by alternately wheedling him and bullying him, to carry out the behests of the King of Spain. No other ambassador, before or since, succeeded so completely in making a tool of an English king. So thoroughly had he earned the hatred of the people amongst whom he had been living, that his successor, Don Carlos Coloma, was for the moment almost popular in England. An honest soldier who had served in many a hard fight under the flag of his country was, it was thought, not likely to be an adept in those arts of dissimulation which had served Gondomar so well.

Meanwhile the course of events was bringing small comfort to Digby. One courier after another brought bad news from Germany. First it was the attack upon Darmstadt; then it was the dismissal of Mansfeld's troops, and the isolation of Frederick; lastly, he heard of the threatened siege of Heidelberg. Yet he did not allow himself to be discouraged at the consequence of the neglect of his advice. "For my part," he wrote on July 13, "I have been long of opinion, and so continue still, that this business will never be brought to any good conclusion but by the absolute authority of these two kings, who must agree of such conditions as they shall judge reasonable, and reciprocally oblige themselves to constrain both parties to condescend unto them; for all other particular treaties will still be overthrown

July. Digby urgent for a cessation of hostilities.

[1] This is the explanation given in a despatch of Philip to the Infanta Isabella, March $\frac{5}{15}$, *Brussels MSS.*

either by the inconstancy of the parties who will, from time to time, alter and change upon the advantage of accidents of war, or else be interrupted by continual jealousies and new provocations. This course I hope one day to see set on foot when once the business of the match is fully resolved and concluded; for I esteem that must be the basis and foundation upon which all the good correspondency and mutual exchange of good offices betwixt England and Spain must depend, and that once taking effect, I shall not much doubt of the other."[1]

A few weeks later Digby was able to give a satisfactory report of his negotiation. Gondomar had arrived and had thrown his whole weight into the scale in his favour. The question of the Palatinate had been referred to the Council of State, and it had been decided, after a full discussion, that complete satisfaction should be given to the King of England.

August. Decision of the Council of State.

No doubt Digby greatly over-estimated the value of this decision. He did not know what was the extraordinary arrangement supposed by the members of the Council to be likely to give satisfaction to James; still less did he know what was the wilder scheme which had approved itself to Zuñiga; but, in fact, it mattered very little whether the Spaniards were speaking truth or not. If James and Frederick could win the confidence of Protestant Germany, they might dictate their own terms to the Emperor; if not, they must take whatever the Courts of Vienna and Madrid would be pleased to give. With his master's foolish objections to the assembly at Ratisbon, therefore, Digby had no sympathy whatever. "It is a weakness," he wrote, "to think that this business can be ended without a Diet." He felt truly that his part had been done. Sincerely or not, the Spanish Government had consented to take up Frederick's cause; it was James's business, not his, to make that cause palatable to the German nation.[2]

Digby's approval of the Assembly.

For all this, however, James had no eyes. That it was

[1] Digby to the Prince of Wales, July 13, *S. P. Spain.*
[2] Digby to Calvert, Aug. 9, *S. P. Spain.*

necessary for him to take any trouble about the matter, beyond that of writing occasionally a scolding letter to his son-in-law, never entered into his mind. Just as he had dealt with Raleigh five years before he now proposed to deal with Philip. All responsibility for the restitution of the Electorate and the Palatinate was to be left to the King of Spain. If he succeeded, James would reap the benefit; if he failed, he would declare war upon him, just as he had punished Raleigh's failure by sending him to the scaffold.

James throws all responsibility upon Spain.

It was while he was in this temper that James received information from Weston of an important proposal which had been unofficially made to him at Brussels. Let Heidelberg, it was suggested, be neutralised, and assigned to Frederick as a residence, on condition of the surrender of Mannheim and Frankenthal to the Infanta, who would engage to restore them to the English garrisons whenever the peace negotiations were brought to a close one way or other. "If peace and restitution be concluded," said Pecquius, in supporting the scheme, "yet however the Prince Palatine promise, and his Majesty oblige himself, it may be thought there shall be demanded some places of caution at least for a time; and, if it should come to that, I know not in whose hands they could more safely be deposited."[1]

July 14. Proposed sequestration of the towns in the Palatinate.

To the proposal thus made James refused to give even a moment's consideration. It was contrary, he declared, to his honour, and it did not offer sufficient security for the future No doubt this was true enough; but what better could he do? He had already protested against Ferdinand's invitation to send an ambassador to Ratisbon as a breach of the Emperor's engagement to enter into direct negotiations with himself.[2] If he would neither negotiate with the Emperor nor fight with him, there was nothing left but to throw himself unreservedly into the arms of the King of Spain, and to pick up the crumbs which fell from his table.

In one respect at least Weston was an excellent servant. The

[1] Weston to Calvert, July 19, *S. P. Spain.*

[2] The King to Ferdinand II., July 8, *S. P. Germany.*

absurdity of the position in which he was placed never dawned upon him for an instant. He gravely continued to reiterate his master's demands for a suspension of arms in the Palatinate alone, which would have left Mansfeld free to strike his blows elsewhere in whatever direction he pleased.

Weston continues his negotiation.

To such a demand the Infanta had no power to assent. Ferdinand had commissioned her to come to terms with Frederick, on the supposition that he was able to dispose of the forces which he had raised. The Emperor would never, as she knew full well, ratify any agreement which would leave the roving bands of Mansfeld free to wander at their pleasure in search of booty.

Nor was the danger by any means at an end since Mansfeld's dismissal by his nominal master. While Weston was wasting his breath at Brussels, that captain of brigands had been offering his services to the highest bidder. If his assurances were to be believed, he was equally ready to serve the Emperor, the Infanta, the King of France, or the Dutch Republic. But answers were slow in coming in, and Alsace, stripped as by a swarm of locusts, no longer sufficed to support his army. The Archduke Leopold, too, who commanded the Emperor's forces in those parts, had received reinforcements from Tilly, and was ready to make head against him. Taking Christian of Brunswick with him, he hastily evacuated that Haguenau which he had hoped to make his own for ever, and flung himself suddenly upon Lorraine. Before crossing the frontier, however, he wrote to the Duke asking permission to pass through his territories on his way to France, in which country he hoped to find entertainment for his troops. It was impossible, however, he added, to keep his men to their duty unless they were fed, and he must therefore request that rations might be provided for twenty-five thousand men. His soldiers, he went on to say, received but little pay, and were accustomed to commit great excesses. For this reason it would be well if the inhabitants were ordered to carry off their property to the fortified towns, in which they would be able to defend it.[1]

Mansfeld in Lorraine.

[1] Mansfeld to the Duke of Lorraine, July, *S. P. Holland.*

Mansfeld's candid avowal was fully justified by the conduct of his men. As he passed the border they set fire to the town of Pfalzburg. Farther on, his march was lighted by the flames of thirty blazing villages. Famine and desolation marked his track. From Lorraine his soldiers spread over the bishoprics of Metz and Verdun; and even Sedan, the little nook of land where Frederick was cowering under his uncle's protection, was not safe from their devastating tread. "We are here," wrote the Duke of Bouillon, "in the midst of an army, without arms, without leaders, without discipline or fitness for war. Those who hold out their arms to these men, or attempt to ameliorate their condition, are treated worse than could be expected from the most exasperated enemy."[1]

Ferdinand's indignation.

Ferdinand's indignation, when he heard of this fresh aggression, was unbounded. Now, at least, he wrote on July 25 to the Infanta Isabella, there could no longer be any doubt that the enemy was only talking about a suspension of arms in order to gain time.[2] His own position was indeed a strong one. Frederick and Mansfeld had been doing his work only too surely. From every side despatches were pouring in, with acceptances of his invitation to the assembly at Ratisbon, which had been postponed till September 21.[3] At this moment James's protest against the assembly reached him. He at once replied that he was not to blame. It was Frederick who had caused the failure of the negotiations at Brussels. The basis of those negotiations had been the promise of the deprived Elector to make due submission to the Emperor, and yet he had plainly told the Landgrave of Darmstadt that he had no intention of fulfilling his engagement. In the meantime the Empire had been exposed to spoil and pillage, and he had therefore summoned the princes to consult for its safety. To James's request that he would order his troops to abstain from attacking the places in the Palatinate, he

August. His reply to James's protest.

[1] The Duke of Bouillon to Carleton (?), Aug. $\frac{5}{15}$, *S. P. Holland.*

[2] Ferdinand II. to the Infanta Isabella, $\frac{\text{July } 25}{\text{Aug. } 4}$, *Brussels MSS.*

[3] October 1, N.S.

returned an evasive answer, referring him to the negotiators at Brussels.[1]

In fact, Ferdinand had thoroughly made up his mind as to the course he would pursue. As soon as the assembly met, he would announce the transference of the Electorate with every prospect of obtaining its assent. He would leave it to the Princes to decide how the territory was to be disposed of, and how the expenses of the war were to be paid. He knew that he would have more chance of gaining his object if the strong towns, which were garrisoned by the King of England's troops, were in his hands before the Princes arrived at Ratisbon. On August 13, therefore, two days after he had answered James's letter, he despatched a courier to Tilly, ordering him to proceed at once to the siege of Heidelberg.[2]

His intentions.

Whilst Ferdinand's messenger was speeding across Germany, Weston was doing his best at Brussels to separate the cause of Frederick from the cause of Mansfeld. On August 15, he presented to the Infanta's commissioners a proposition for settling the points at issue. Let the towns in the Palatinate, he said in effect, be allowed to remain in the position in which they are, and the King of England will engage to make war upon Mansfeld and Christian, if they should be so ill-advised as to return to that part of Germany; and he will also promise that if, whenever the negotiations for peace are seriously taken in hand, those adventurers still refuse to submit to reasonable conditions, he will 'declare himself their enemy and jointly employ his forces against them, as against the perturbers of the common repose of Christendom.'[3]

Weston's proposition.

Such a proposal could hardly be seriously entertained by

[1] Ferdinand II. to the King, Aug. $\frac{11}{21}$; Simon Digby to Calvert, Aug. 14, *S. P. Germany.*

[2] Ferdinand II. to Khevenhüller, Aug. $\frac{8}{18}$; Oñate to Philip IV., Aug. $\frac{10}{20}$, *Simancas MSS.* 2403, fol. 218, 217; Simon Digby to Calvert, Aug. 14. 15, 22, *S. P. Germany.*

[3] Weston's Proposition, Aug. 15, Weston's Report, *Inner Temple MSS.* vol. 48.

the Infanta. The time had long passed since either Frederick's engagements to make peace, or James's engagements to make war, had been regarded as having any practical bearing upon the course of events. Rightly or wrongly, every Catholic in Europe was fully persuaded that in Frederick's hands the strong places garrisoned by Vere would be a basis of operations for Mansfeld and his marauders, and whatever might be the ulterior designs cherished at Brussels and Vienna, there was no hesitation in the resolution formed to hinder them from again taking root in the Palatinate. There was not the slightest reason to suppose that Mansfeld was likely to be less dangerous than he had been before. Even Weston acknowledged that it was certain that the adventurers had no intention of submitting to any terms whatever. They had begun, he said, by demanding unreasonable conditions. They had sent him no powers to treat, and for some time had not even troubled themselves to answer his letters.[1]

Mansfeld's troops.

In fact, it was no longer possible for them to remain where they were. The Duke of Nevers, whilst pretending to negotiate with Mansfeld the terms upon which he was to enter the French service, had rapidly collected a force strong enough to bar the road into France. An attempt to make a dash for the Lower Rhine, made early in August by Christian, had failed, not so much from the resistance offered by the Spanish Governor of Luxemburg, as from the mutinous spirit of his own men.[2] Under these circumstances an offer which reached Mansfeld from the States-General was eagerly seized. Things had not been going well with the Republic since the re-opening of the war. In the winter Juliers had surrendered to the Spanish arms, and Spinola had now sat down before Bergen-op-Zoom, with every prospect of conducting the siege to a successful conclusion. In order to avert such a blow, the States offered to take Mansfeld into their service for three months.

He attempts to join the Dutch.

Mansfeld leapt at the offer. Leading his men by a cir-

[1] Weston to Calvert, Aug. 15, *S. P. Flanders.*

[2] Advertisement from Sedan, Aug. 8, *S. P. Holland.*

cuitous route, he hoped to slip unperceived across the Spanish Netherlands, and to join the Prince of Orange at Breda; but on the evening of August 18 he found that his way was barred by Cordova, whose forces had been recalled in hot haste from the Palatinate. At daybreak on the following morning, he prepared for action; but scarcely was the word given when two of his regiments broke out into mutiny, shouting for money. Of the troops which remained faithful, many had sold their arms for bread, and many had thrown them down in sheer weariness. Yet, deficient as he was in those moral qualities without which no man can conduct a campaign to a successful issue, Mansfeld showed on this day that he was possessed in an eminent degree of that dogged courage and cool presence of mind which befit a leader of banditti. Riding up to the mutineers, he adjured them, if they would not fight, at least to keep together, so as to impose upon the enemy. Receiving a favourable reply, he placed them in a body amidst a crowd of camp-followers, so as to present the appearance of a formidable array. With the rest of his force he dashed at the Spaniards. Three times he was repulsed; but at last Christian, with that impetuous bravery which has blinded half the world to his want of all other virtues, drove the enemy's cavalry before him in headlong rout. But in the midst of his charge, he received a wound in the arm, and his followers, when they saw him led away from the field, made their leader's misfortune an excuse for refusing to take any further part in the battle. The Spanish army was saved from almost certain annihilation. Mansfeld was able to pursue his march, and to join the Dutch camp at Breda.[1]

August 19. Battle of Fleurus.

The wound in Christian's arm was unskilfully tended, and he was forced to submit to amputation. He ordered the trumpets to be sounded whilst the operation was being performed. Not long afterwards he replaced the lost member with a substitute skilfully constructed of cork and silver. "The arm which is left," he boastfully declared, "shall give my enemies enough to do."

[1] *Theatrum Europæum*, i. 666. Carleton to Buckingham, Aug. 27, *S. P. Holland.*

His companions in arms were not yet ready to take the field. The starving wretches needed to be re-armed and re-clothed before they could be made available against Spinola. But the garrison of Bergen would be likely to fight the more manfully now that they knew that relief was at hand.

Mansfeld at Breda.

The change of Mansfeld's quarters inspired Weston with renewed hopes. Now, at least, he urged, there should be no longer any difficulty in granting the suspension of arms. Mansfeld and Christian had transferred their services to the Dutch, and would no longer stand in the way of an accommodation. The siege of Heidelberg, he had heard, was being actively carried on, and he therefore hoped that the Infanta would give orders for the suspension of hostilities. Yet, in spite of all that Weston could say, the Infanta knew that she had no power to agree to any cessation of hostilities in which Mansfeld and Christian were not included. It was notorious that the adventurers had only taken service with the States for three months, and no one at Brussels doubted that they would return to ravage Germany in the winter. Weston was, therefore, obliged to content himself for the present with hearing that fresh letters would be sent to Tilly and the Archduke Leopold; but he was plainly told that it was not likely that they would do any good.[1] Excepting in the garrisons on the left bank of the Rhine, there were no longer any Spanish troops in the Palatinate,[2] and there were therefore no forces in the army before Heidelberg under the immediate orders of the Infanta.

Weston again asks for a suspension of arms.

At last, on September 8, Weston received a formal reply to his proposition. He was told that nothing could be done unless he could obtain an assurance from Mansfeld and Christian that they would not again attack the obedient princes of the Empire; and that it was expected that they would also engage to abstain from assailing the territories of Spain.

September. The Infanta's reply.

[1] Weston to Calvert, Sept. 3, *S. P. Flanders.*

[2] The Infanta Isabella to Cordova, Aug. $\frac{14}{24}$, *Hard MSS.* 1581, fol. 177.

"Likewise," the Infanta proceeded, referring to the Flemish extraction of the adventurer, "seeing the same Mansfeld hath refused to accept the grace and pardon of his Majesty, whereby he might have turned to his royal service, and to his own natural obedience, and hath withal drawn from this city him whom he hath sent hither to treat on this his behalf;[1] seeing also how little he can hope for from the Hollanders, and how his pride will not let him remain in Holland, there being withal particular advertisements that his end and purpose is to trouble the affairs of Germany :—

"Lastly, seeing the Duke Christian will take the same course, as he hath also expressly declared; there is none that seeth not clearly the truth of that which hath been said, and that it is now more necessary than ever to provide for the general assurance."

The Infanta ended by saying that, though she herself saw no way out of the difficulty, she would gladly listen to anything that Weston had to propose.[2]

To the question thus put, Weston had very little to reply, as he was perfectly aware that the adventurers really contemplated a return to Germany as soon as their engagement with the Dutch was at an end. "I must tell you," Mansfeld had written to him a fortnight before, "that you are labouring in vain. For you will never accomplish anything where you are. When those people get a thing between their teeth, they never let it go unless after the loss of a great battle. You ought, therefore, to advise his Majesty to recall you; for I see well enough that there is no remedy unless we begin the war in Germany afresh."[3]

Mansfeld's plans.

Weston was therefore obliged to content himself with reiterating his opinion, that Mansfeld had no longer any connection with Frederick, and with renewing his declaration that his master was ready to join the Emperor in opposing his designs. As for the demand that

Weston's answer to the Infanta.

[1] *i.e.* Captain Weiss.

[2] Answer to Weston's Proposition, Sept. 8, Weston's Report, fol. 16. *Inner Temple MSS.* vol. 48.

[3] Mansfeld to Weston, $\frac{\text{Aug. } 24}{\text{Sept. } 3}$, *S. P. Germany.*

Mansfeld should be prevented from attacking Spain under the orders of the Prince of Orange, he could only say that the King of England was quite ready to mediate a treaty between Philip and the Dutch.[1]

His dissatisfaction.

Baffled and discontented, Weston had for some time been earnestly pleading for his recall. His denunciations of the Infanta's perfidy were loud enough to please the stoutest Puritan in England. He had gone to Brussels under the impression that he had an easy task before him. He had shared with many of his countrymen the belief that Spain was everything and Germany was nothing; and he could not conceive it to be possible that the destinies of the Empire were determined at Vienna rather than at Madrid.

Weston's recall.

On the 15th, Weston had his last audience of the Infanta. He had orders, he said, to return home unless either the siege of Heidelberg were raised, or the suspension of arms granted. He was again made to understand that he was asking for that which it was no longer in her power to accord. The King of England, the Infanta said, 'had deserved a crown of palm by his royal carriage;' and she would never cease to do all that she could to give him satisfaction.[2]

Character of his negotiation.

The long negotiation was at last brought to an end. That the Infanta was earnestly desirous to conduct it to a better termination cannot be doubted for an instant. As late as August 27 she had written again, to press the Emperor to abandon his design of transferring the Electorate. James, however, had never been sufficiently alive to the absolute importance of guaranteeing the Empire against anarchy. His own inability to provide pay for his son-in-law's army, Frederick's rash words at Darmstadt, and the ravages of Mansfeld, had by this time thoroughly confirmed Ferdinand's conviction that peace was only to be obtained by the establishment of the absolute supremacy of his own party in the Empire. To this conviction James had nothing to

[1] Weston's Reply, Sept. 12, in his Report, fol. 19, *Inner Temple MSS.* vol. 48.

[2] Weston to Calvert, Sept. 16, *S. P. Flanders.*

oppose. He had no watchword by which to rally the North German Protestants. He had no real power over his son-in-law's actions, still less over those of Mansfeld. All that he could do was to bluster about keeping Mansfeld quiet by force; and when he found that no credit was given to his protestations, he had no other resource but to call upon Spain to help him out of the mire into which his blunders had so hopelessly plunged him.

August. English feeling.

The months during which the comedy was being played out at Brussels had brought increasing exasperation to the English people. Even if the whole truth had been laid before them, there would have been more than enough to cause the most serious disquietude amongst all with whom the interests of Protestantism were worth a moment's consideration. It was impossible to deny that, wherever the blame was to be laid, the very existence of Protestantism was seriously endangered over a large part of the Continent. In reality, the great mass of Englishmen knew very little of the real facts of the case. Of Frederick's helplessness and vacillation, of Mansfeld's atrocities, of the abominable anarchy which was certain to be the result of the victory of such allies, they were utterly and hopelessly ignorant. What they saw was only a new phase of the eternal conflict between virtue and vice, between freedom and tyranny; and, imperfect as this view of the case undoubtedly was, they were at least clear-sighted enough in marking the evil which had arisen from their Sovereign's faults. It was only in the pulpit that these feelings, freely expressed in private conversation, could find vent in public, and it is no wonder that a man like James, in his dislike at the free language which was springing up around him, took refuge in sending the obnoxious preachers to prison. Dr. Everard, who had been committed in the preceding year to the Gatehouse for abusing the Spaniards in a sermon, now found his way into the Marshalsea. Another preacher, Mr. Clayton, was sent to prison for reproducing Coke's scurrilous allusion to the introduction of the scab by sheep imported from Spain; and a third, Dr. Sheldon, was thought lucky to have escaped with a reprimand

Imprisonment of preachers.

for some harsh reflections upon the people who worshipped the beast and his image.[1]

Nor was it only against abuse of Spain that James had decided upon making war. He was now disquieted, as many wiser men than he have often been disquieted, by the bitterness of theological polemics. Arminianism, silenced in Holland, had taken firm root in England, and had been welcomed by those who were most under the influence of the reaction against Puritanism. Of necessity, the new views were received with deep distrust by all who attached value to the Calvinistic theology. In every corner of the land, the pulpits rang with declamations on predestination and the final perseverance of the saints. Till lately, at least, James had regarded with favour the doctrine in which he had been educated. But he hated turmoil, and he thought, in spite of Barneveld's example, that he might succeed in laying the storm by directing Abbot to issue a few well-meant instructions to the preachers. From henceforth, no one under the degree of a bachelor of divinity was to 'presume to preach in any popular auditory the deep points of predestination, election, reprobation, or of the universality, efficacy, resistibility or irresistibility of God's grace; but leave those themes to be handled by learned men, and that moderately and modestly, by way of use and application rather than by way of positive doctrine, as being points fitter for the schools and universities than for simple auditories.'[2]

Calvinists and Arminians.

Directions to preachers.

As mere advice, no exception can be taken against such words as these. But, coming as they did, as an attempt to enforce silence on the great religious question of the day, they only served to embitter the quarrel which they were meant to calm. Left to itself, the tendency of the age was undoubtedly in favour of the Arminians. For whatever may be the theological or philosophical value of their opinions, they were doing the same work in the domain of

Their effect.

[1] Chamberlain to Carleton, Aug. 10, *S. P. Dom.* cxxxii. 91. Mead to Stuteville, Sept. 14, *Harl. MSS.* 389, fol. 228.

[2] *Hacket*, 89. The King to Abbot, Aug. 4; Abbot to the Bishops, Aug. 12, Sept. 4, Wilkins's *Concilia*, iv. 465.

thought which Digby with his doctrine of territorial sovereignty was doing in the domain of practical politics. They were finding a middle course, which might put an end to that violent opposition which existed between the contending churches. It was to the decrease of theological virulence that they owed their existence as a school of thinkers. It was to their habits and modes of thought that the growth of a spirit of toleration would be mainly due. The greatest service that could be done to them was to allow them to win their way by argument. The greatest injury that could be done to them was to enable them to silence their adversaries by force. Men who could preach about nothing but predestination, and who could use no language better than coarse invective, were no doubt a great pest to the community; but, after all, liberty of thought is better in the end than correctness of reasoning or moderation of expression, and it is impossible for anyone external to the modes of a preacher's thoughts to judge of the intimate connection which exists in his mind between the abstract doctrines which he professes and the practical lessons which he desires to enforce. The great battle of the sixteenth century had been waged between Catholicism and Protestantism. The great battle of the seventeenth century, as yet felt rather than understood, was to be waged on behalf of mental and personal liberty. It was the great misfortune of James's character, that, whilst both in his domestic and foreign policy he was far in advance of his age in his desire to put a final end to religious strife, he was utterly unfit to judge what were the proper measures to be taken for the attainment of his object. Unfortunately it lay in his power to a great extent to decide whether the Arminians should range themselves, on the whole, on the side of the advancing or of the retrograde party amongst their countrymen. Laud, disputing with a Jesuit or a Calvinist, was a true Protestant, a genuine successor, according to the altered conditions of the age, of Luther and of Knox. Laud, entrusted with power to silence his opponents, to forbid the study of books which he considered objectionable, and to restrain the preaching of sermons which he held to be mischievous, would be upon the side of the Jesuits and the Pope.

It was thus that James's efforts at repression resulted, against his will, in giving new life to Puritanism. Invigorated by the restraints under which he placed it, it rose up once more with giant strength to suffer and to dare in the name of law and of religion. It gained the alliance of many a man who had no sympathy with the narrowness of its tenets, but who found, in the lofty and noble spirit by which it was pervaded, the strength which would enable him to shake off the weight which pressed so heavily upon the energies of the nation.

New invigoration of Puritanism.

Little as the English people knew of what was passing at Rome and at Madrid, they were well aware that James had lowered the dignity of the English crown till the laws of England had been made a subject of treaty with foreign statesmen and foreign priests. In the eyes of his contemporaries he had been guilty of sacrificing the national independence, the great cause of which Henry VIII. and Elizabeth had been the champions. In the eyes of posterity, he is guilty of defiling the sacred cause of religious liberty by making bargains over it for Spanish gold and Spanish aid. Even now an act, with which in itself no one can possibly find fault, had been contaminated by the mode in which it was accomplished. Writs were issued in August to set free from prison crowds of Catholics, who were suffering for their religion.[1] In defence of the act thus done, Williams was able to produce the most admirable arguments, and to plead the wisdom of showing mercy to the Catholics, at a time when the King was demanding mercy for Protestants abroad.[2] Yet all his arguments fell flat on the world, because men knew that the prisoners owed their release to Gondomar's intercession,[3] and that it was likely to be a prelude to a long series of favours to be granted to Spain. Never, wrote the Venetian ambassador about this time, was the Catholic religion more freely exercised in England. But the Spaniards were not content. They wanted to have everything or nothing.[4]

Release of the Catholic prisoners.

[1] Williams to the Judges, Aug. 2, *S. P. Dom.* cxxxii. 84.

[2] Williams to Annan, *Cabala*, 269.

[3] Ciriza to Aston, $\frac{\text{June } 27}{\text{July } 7}$, *S. P. Spain.*

[4] Valaresso to the Doge, Aug. $\frac{2}{12}$, *Venice MSS.*

James gained no fresh popularity by giving directions, within a week after the Catholics had been set free, for the liberation of Coke, Phelips, and Mallory from the Tower, on condition that they, like Pym, would place themselves under restraint not to travel more than a limited distance from their own houses in the country.[1] The measure was in all probability dictated by a desire to be prepared to meet a Parliament, if the negotiations at Brussels should prove abortive. In Coke's case, at least, nothing that now could be done was likely to soothe his exasperation. An unwise attempt to prosecute him in the Court of Wards upon some private offence which he was supposed to have committed had broken down completely, and he had been declared innocent by the unanimous decision of all the judges to whom the legal question involved in the case had been referred.[2] Nor, in the existing state of popular feeling, did it avail the Government much that Sir John Bennett, who had escaped punishment through the dissolution of Parliament, was now prosecuted in the Star Chamber for the faults which had brought an impeachment upon him, and was, before the year ended, condemned to a fine of 20,000*l.*, to imprisonment during pleasure, and to perpetual disability from office.[3]

Liberation of Coke, Phelips, and Mallory.

Punishment of Bennett.

All through August, the news from Brussels had been growing worse and worse. At last, when the confusion was at its height, James was startled by the unexpected arrival of Gage, the Englishman who had been commissioned to watch the course of the marriage negotiations at Rome, and who had now come to announce that, if the Pope was to be satisfied, new and unheard of concessions must be made.[4]

August 25. Arrival of Gage.

It was now about a year since, on August 11, 1621, a con-

[1] *Privy Council Register*, Aug. 6.

[2] Chamberlain to Carleton, July 13, *S. P. Dom.* cxxxii. 38.

[3] Chamberlain to Carleton, July 1, Locke to Carleton, Nov. 30. *S. P. Dom.* cxxxii. 1; cxxxiv. 39.

[4] Valaresso to the Doge, Aug. $\frac{9}{19}$, *Venice MSS.*

gregation of four cardinals had been formed for the purpose of examining the articles of the marriage treaty. They were not long in coming to the conclusion that the articles were altogether insufficient. Care had been taken for the religion of the Infanta and her household, but nothing was said about the general body of English Catholics. Unless something were done for them, it would be the duty of the Pope to refuse the dispensation. The vague promises which James had given in the preceding year, were flouted, as utterly insufficient. The cardinals had set their hearts upon the conversion of England, and it was certain that the conversion of England would never be effected by a mere promise that the Catholic missionaries should for the future escape the scaffold, and that the penal laws should be executed with moderation. Before the end of October, therefore, they had decided that nothing short of complete liberty of worship would suffice, and that for this they must have some stronger guarantee than the mere word of the King of England.

1621. The Cardinals and the marriage treaty.

October.

Before the end of the year, however, the cardinals discovered that their course was not so easy as they had supposed. The news which reached them of the first proceedings in the House of Commons after the adjournment, was not favourable to the supposition that the changes which they contemplated could be accomplished without opposition. It was not till they heard of the dissolution of the Parliament, of the quarrel with the Dutch Commissioners, and of the imprisonment of the Earl of Oxford, that they finally made up their minds to send Gage back to England, with orders to lay the Pope's decision before the King.

Resolution to send Gage to England.

1622

Accordingly, on July 4, 1622, Gage was summoned before the congregation to receive his instructions. The King of England said Cardinal Bandino, in the name of the others who were present, had read many Catholic books, and he had no doubt discovered that it was impossible for the Pope to grant a dispensation in such a case as this without the hope of some great public good. As, however, nothing of the kind was to be found in the articles which had been sent from Spain, they had determined to ask for a general

July. Instructions given to him.

liberty of worship in all his kingdoms, and for a satisfactory guarantee of its maintenance. They had been informed, that it would be better that this change should proceed from a voluntary act of the King himself, and they therefore hoped that he would inform them what he was willing to do for his Catholic subjects. The Cardinal then proceeded to touch upon a still more delicate subject. It was utterly impossible, he said, to imagine that one so versed as the King was in controversial theology could be ignorant that the holy and apostolic Roman faith was the only true and ancient faith in which men could be saved. If, therefore, he did not openly declare his belief, it could only be from a fear of incurring disgrace by changing a religion which he had professed so many years, or from a dread of the personal consequences to himself. As for the first, he should remember that Henry IV. had gained honour by his conversion ; and, as to the second, he need not be afraid. God would certainly protect him. Half his subjects, and the majority of his nobility, were Catholics already, and, if more were needed, the forces of the King of Spain, and of all Catholic princes, would be at his service. The Roman see would be ready to load him with honours. If he chose to pay a visit to Rome, a legate should be sent to meet him in Flanders, and the Pope himself would go as far as Bologna to welcome him. If he could not make up his mind to his own conversion, let the Prince of Wales be encouraged to take the step from which his father shrank.[1]

Alteration in the articles.

The articles, as they were returned to Gage, contained several important alterations. All the Infanta's servants were of necessity to be Catholics. Her Church was to be open to all who chose to enter, and not merely to her household. The priests were to be under the control of a bishop, and were to be freed from subjection to all laws excepting those which were imposed by their ecclesiastical superiors. The Infanta must have the education of her children ; of the girls, till the age of twelve, of the boys, till the age of fourteen.

[1] *Francisco de Jesus*, 33–40.

The cardinals had, at least, done James one service by this plain-spoken declaration. He could no longer be in any doubt as to the views with which the marriage was regarded at Rome. In truth there was something very similar in the attitude taken by the Pope and that taken by the Emperor, on the two great questions of the day. Both Gregory and Ferdinand had definite objects in view, and from them neither friend nor enemy would have much difficulty in discovering precisely what was to be expected. To deal with them, all that was necessary was to form an equally definite plan of operations, to be ready to give way where it was possible to yield, and to organize opposition where opposition was needed. All this, however, required thought and trouble, and James preferred the easier course of throwing the burden upon Spain, and of trusting to Philip's friendliness and sagacity to help him out of his difficulties.[1]

August. Reception of Gage.

Gage arrived in England on August 25. On September 9, James poured out his distress in a letter to Digby. Everything was going wrong at Brussels. He now expected, therefore, that as nothing was to be done with the Emperor, the King of Spain would actually give his assistance in the recovery of the Palatinate and of the Electorate. As for the proposals brought from Rome by Gage, the Infanta's servants were to be nominated by the King of Spain, and there was now no object in insisting upon the omission of the words obliging them to be Catholics. It was unimportant whether the superior minister were to be a bishop or not. The other demands were of greater consequence. The cardinals ought to have known that it was out of his power to concede a public church, and that the exemption claimed for the ecclesiastics from the law of the land was a strange one, and was not universally allowed, even in Roman Catholic countries. He would bind himself to allow the children to remain under their mother's care till the age of seven, though the time might be extended if it were found necessary for their health. As to the demand made for the general good of Catholics, he had gone as

September. James sends his answer to Digby.

[1] Resolutions upon the Marriage Articles [Sept. 9]. The King to Digby, Sept. 9. Prynne's *Hidden Works of Darkness*, 14, 16.

far as he possibly could by his letter of April 27, 1620, in which he had promised that no Roman Catholic should again suffer death for his religion, or should be compelled to take any oath to which capital penalties were attached, whilst the existing penal legislation should be mitigated in practice.[1] If these terms were not accepted by Spain within two months, the treaty must be considered at an end.

James's formal despatch to his ambassador was accompanied by a confidential letter from his favourite to Gondomar, in which the embarrassments of the hour were depicted as in a glass. "As for the news from hence," wrote Buckingham, "I can in a word assure you that they are in all points as your heart could wish. For here is a king, a prince, and a faithful friend and servant unto you, besides a number of your other good friends that long so much for the happy accomplishment of this match, as every day seems a year unto us; and I can assure you, in the word of your honest friend, that we have a prince here that is so sharp set upon the business, as it would much comfort you to see it, and her there to hear it. Here are all things prepared upon our part; priests and recusants all at liberty; all the Roman Catholics well satisfied; and, which will seem a wonder unto you, our prisons are emptied of priests and recusants and filled with zealous ministers for preaching against the match, for no man can sooner now mutter a word in the pulpit, though indirectly, against it, but he is presently catched, and set in strait prison. We have also published orders, both for the universities and the pulpits, that no man hereafter shall meddle, but to preach Christ crucified. Nay, it shall not be lawful hereafter for them to rail against the Pope, or the doctrine of the Church of Rome, further than for edification of ours; and for proof hereof, you shall, herewith, receive the orders set down and published. But if we could hear as good news from you, we should think ourselves happy men. But, alas! now that we have put the ball at your feet, although we have received a comfortable despatch from his Majesty's Ambassador there, yet from all other parts in the world the effects appear directly contrary."

Buckingham's letter to Gondomar.

Buckingham then went on to recite the causes of his discon-

[1] See Vol. III. p. 346.

tent. The new conditions sent from Rome were such as could tend to no other end but to bring his master in jealousy with the greatest part of his subjects. At Brussels Weston had been flouted by the Infanta, and the siege of Heidelberg was still going on.

"And now," he continued, "let me, I pray you, in the name of your faithful friend and servant, beseech you to set apart all partiality in this case, and that you would be pleased as well, like a true Englishman, indifferently to consider of the straits we are driven into. If the Emperor shall in this fashion conquer the whole Palatinate, the ancient inheritance of his Majesty's children, what can be expected but a bloody and unreconcilable war between the Emperor and my master, wherein the King of Spain can be an auxiliary to the Emperor against any other party but his Majesty? And, therefore, as my master lately offered to the Infanta for satisfaction of her desire, that in case the auxiliaries would not be contented with reason, but still perturb the treaty, he offered, in that case, to assist the Emperor and her against them; so can he in justice expect no less of the King your master, that, if the Emperor will, contrary to all promises both by his letters and ambassadors, proceed in his conquest and refuse the cessation, that the King your master will in that case, and in so just a quarrel, assist him against the Emperor, in imitation of the King my master's just and real proceedings in this business from the beginning, who never looked, as you can well be witness, to the rising or falling hopes of his son-in-law's fortunes, but constantly kept on that course that was most agreeable to honour and justice, to the peace of Christendom, and for the fastening of a firm and indissoluble knot of amity and alliance betwixt the King your master and him, which was begun at the time of our treaty with France, and then broken at your desire that we might embrace this alliance with you. You are the person that many times before your departure hence besought his Majesty once to suffer himself to be deceived by Spain.[1] We, therefore, do now

[1] Meaning, perhaps, that Gondomar had answered James's complaints that he had been deceived by the renewal of the war in 1621, by begging him to suffer it for once, and that all would come right in the end.

expect to find that great respect to honour in your master that he will not take any advantage by the changing of fortune and success of time, so to alter his actions as may put his honour in the terms of interpretation.[1] You see how all the rest of Christendom envy and malign this match and wished conjunction. How much greater need then hath it of a hasty and happy dispatch? And what comfort can the Prince have in her, when her friends shall have utterly ruined his sister and all her babes? You remember how yourself praised his Majesty's wisdom in the election of so fit a minister as Sir Richard Weston in this business; but you see what desperate letters he writes from time to time of their cold and unjust treating with him in this business. You could not but wonder that any spark of patience could be left us here. And to conclude this point in a word, we ever received comfortable words from Spain; but find such contrary effects from Brussels, together with our intelligence from all other parts of the world, as all our hopes are not only cold but quite extinguished here."

The writer then returned to the subject of the marriage. Gondomar, he said, could not but remember how, when the match was first moved, he had assured the King 'that he should be pressed to nothing in this business that should not be agreeable to his conscience and honour, and stand with the love of his people;' and he then went on to warn the Spaniard that if the match were to be broken off, 'his Majesty would be importunately urged by his people, to whose assistance he must have his recourse, to give life and execution to all the penal laws now hanging upon' the heads of the Catholics.

"It only rests now," he concluded, "that as we have put the ball to your foot, you take a good and speedy resolution there to hasten the happy conclusion of this match. The Prince is now two and twenty years of age, and is a year more than full ripe for such a business. The King our master longeth to see an issue proceed from his loins, and I am sure you have reason to expect more friendship from the posterity which shall proceed from him and that little angel, your Infanta,

[1] That is to say, as may make it necessary for him to explain his actions, his honour having become doubtful and needing interpretation.

than from his Majesty's daughter's children. Your friends here are all discomforted with this long delay, your enemies are exasperated and irritated thereby, and your neighbours that envy the felicity of both kings, have the more leisure to invent new plots for the cross and hindrance of this happy business; and for the part of your true friend and servant Buckingham, I have become odious already, and counted a betrayer both of King and country.

"To conclude all, I will use a similitude of hawking I told you already that the Prince is, God be thanked, extremely sharp set upon the match, and you know that a hawk, when she is first dressed and made ready to fly, having a great will upon her, if the falconer do not follow it at that time, she is in danger to be dulled for ever after.

"Take heed, therefore, lest in the fault of your delays there, our Prince and falcon gentle, that you know was thought slow enough to begin to be eager after the feminine prey, become not so dull upon these delays as in short time hereafter he will not stoop to the lure, though it were thrown out to him.

"And here I will end to you, my sweet friend, as I do in my prayers to God :—'Only in thee is my trust,' and say, as it is written on the outside of the packets,—Haste, haste, post haste!"[1]

Excepting so far as they throw light upon the character of one whose influence was so ruinous to those who trusted him, Buckingham and James. Buckingham's momentary expressions of opinion during the reign of James are of no importance whatever. Whilst, like his still more versatile son, he was "everything by turns, and nothing long," it was only when the shifting tide of passionate impulses happened to coincide with some turn of his master's thoughts, that he had any chance of moulding the general policy of the Crown in accordance with his wishes. For the time, however, there was a complete agreement between the two; for if the words of the letter were the words of Buckingham, the thoughts were the thoughts of James. If, amongst the many miseries with which history teems, there is one more sad than another, it is to see so noble

[1] Buckingham to Gondomar [Sept 9], *Cabala*, 224. The holograph draft is in *Harl. MSS.* 1583, fol. 353.

a policy as that of which Digby had been the mouthpiece, so utterly discredited and mishandled. It cannot be but that the historian, who has to tell, almost as a matter of course, of so many windy schemes and criminal follies, should feel a special regret when he is called upon to recount the failure of a wise and beneficent idea, in something of the same spirit as that which led the early poets to regard with peculiar sorrow the deaths of youthful warriors, the promise of whose lives was for ever to be unfulfilled, whilst they accorded but a few words of perfunctory sympathy to those whose existence had passed through the ordinary fortunes of men. To settle the war in Germany by guaranteeing the independence of the Protestant States in religious matters, at the same time that the civil authority of the Emperor remained intact, and to settle the domestic difficulty by the gradual relaxation of the penal laws, was a policy worthy of the most consummate statesman. James, unhappily, was never able to appreciate either the greatness of his own projects, nor the magnitude of the obstacles which he would have to surmount. If he ever admitted lofty principles into his mind, it was always by their smallest side that he approached them. If he had judged rightly with respect to the contest for the Bohemian crown, it was simply because the large issues which were involved in it presented to him a narrow, technical idea which he was competent to grasp. If he now struggled for the religious independence of the Palatinate, it was not because he had formed any adequate notion of the requirements of the states of the Empire, but simply because the heirs of that territory happened to be his own grandchildren. In comparison with the claims of his daughter and her sons, all considerations of policy, all considerations for the cause of Protestantism, passed for very little in his eyes. And as it was with his foreign policy, so it was with his domestic policy. The great work of fostering the growth of a more tolerant spirit in the hearts of Englishmen, was thrown into the background in favour of a scheme for getting a richly dowered wife for his son, or for obtaining the co-operation of the King of Spain in a settlement of the German difficulties, to which, excepting under com-

Foreign and domestic policy of James.

pulsion, Philip could never give his consent without losing every feeling of self-respect.

Contrast between his words and actions.

As far as words could go, no man could be more unbending than James. Whatever might be the feeling of the English nation, it was to accept from him precisely that system of religious toleration which happened for the moment to suit his own personal or political interests. Whatever might be the feeling of the German nation, or of Continental governments, they were to accept, without modification, precisely that arrangement of their disputes which happened to be consonant with the claims of his own family. If indeed he had shared in the beliefs which prevailed in the House of Commons, if he had thought with Phelips and Coke, that Frederick was an innocent martyr to the Protestant faith, he might well have used the language that he did. Nothing, however, was further from the true state of the case ; for no one knew better than James how ruinous every act of his son-in-law's had been to the cause which he imagined himself to be serving. All Frederick's headstrong rashness, all his impracticable perversity and despicable incompetence, lay before him as in a book. In spite of all this he saw the solution of the question by which Germany was distracted, not in a mediation between the religious parties, not in a policy shaped in accordance with the public opinion of moderate men of all parties, but simply and solely in the complete restitution of his son-in-law, at whatever hazard to the future interests of the Empire.

After all, James's fixity of purpose was confined to words alone. Ready at a moment's notice to issue hazy manifestoes in which the most praiseworthy maxims were shrouded in an almost impenetrable veil of loose verbiage, he never ceased to expect that the plans which he had formed should be carried out by others rather than by himself. He resembled no one so much as that unfortunate wight in the well-known legend, who, finding a horn suspended by the side of a sword at a castle-gate, summoned the warder to admit him by a long blast, and was swept away to destruction by a whirlwind issuing from

the opening gates, with the terrible sentence ringing in his ears :—

> "Woe to the wretch, that ever he was born,
> Who durst not draw the sword before he blew the horn.

Already the stroke which James dreaded had fallen upon the Palatinate. The siege of Heidelberg, interrupted by the necessity of watching Mansfeld's steps, had been recommenced by Tilly on August 15. That commander had, however, under-estimated the difficulties of his task, and the artillery of which he could dispose was so weak that during the first three days of its employment he only succeeded in killing a cat and two hens. During the succeeding fortnight the attack made little progress, and the besieged were beginning to speak more hopefully of their prospects. An attempt made on September 5 to carry the place by storm ended in complete failure ; but that very evening the more powerful artillery of which Tilly was in need reached the camp of the besiegers. During the whole of the next morning the fortifications by which the western suburb was defended were subjected to a crushing fire, and it so happened that on that very day the money with which the garrison was paid had come to an end. The German mercenaries being what they were, the mere offscourings of the armies of Mansfeld and the Margrave of Baden, were mutinous and discontented. When, therefore, the enemy made a rush to storm the walls, it was found that in many places the defenders, instead of meeting the attack, threw down their arms and cried for quarter, The governor, Van der Merven, seeing that the suburb was lost, attempted to open negotiations with Tilly for the surrender of the town itself ; but the keys of the place had been mislaid, and before they could be found the gate was blown open by the assailants, and the town was in their hands. Collecting such forces as he could, and surrounded by a huddled crowd of citizens and peasants, Van der Merven took refuge in the castle. Those who remained without were subjected to all those atrocities which in that age were the lot of a town taken by storm. Women were outraged, men were cut down in the streets or

Sept. 6. The fall of Heidelberg.

tortured to force them to reveal the places in which their real or supposed wealth was hidden.

Surrender of the castle.

The castle was incapable of prolonged resistance. A strong outwork on the eastern side had been committed to the charge of two English and Dutch companies under the command of Sir Gerard Herbert, a kinsman of the Earl of Pembroke. Nowhere did the enemy find so stout a resistance; but the little force was terribly outnumbered. Herbert, in whose hands four pikes had been broken, was killed by a shot, and the party, bringing away with them their guns and the bodies of the slain, retreated grimly into the fortress. It was in vain that they attempted to continue the struggle. The frightened citizens, who had fled for refuge to the castle, clung round the remains of Herbert's band, and refused to allow them to exasperate the enemy by firing another shot. Under these circumstances the governor replied to Tilly's summons by a request to be allowed to consult with Vere at Mannheim. Vere could give him no hope of support, and on the 9th the castle surrendered to the Bavarian commander. The troops were allowed to march out with the honours of war, on condition that they were not to join their comrades at Mannheim or at Frankenthal. The citizens were left to their fate.[1]

The siege of Mannheim commenced.

Tilly marched straight upon Mannheim. Placed at an angle between the Rhine and the Neckar, that renowned fortress was only accessible on its southern side, and was for this reason justly regarded as the strongest post in that part of Germany. To Vere these advantages were likely to prove of small avail His provisions and his money were running low; his men, exposed without hope of succour to the fury of the enemy, were showing signs of a thoroughly mutinous spirit. An unusually dry summer had lowered the water in the fosse, and his soldiers, even if they had been inspired with the confidence which had animated the burghers of Leyden, were far too few to man the vast extent

[1] *Theatrum Europæum*, i. 647. Van der Merven's Relatio Historica. Verantwortung der . . . Stadt Heidelberg. *Londorp*, ii. 743. Vere to Calvert, Sept. 7. Chichester's relation of the loss of Heidelberg, Sept. 14. Burlamachi to Calvert, Sept. 12, 14, *S. P. Germany*.

of fortification entrusted to his care. His first thought, therefore, was to call in Sir John Borough with the garrison of Frankenthal, in order that he might oppose to the enemy the utmost possible resistance at the point where resistance was likely to be of most avail. That, as a military man, he had judged correctly is beyond a doubt; but the citizens of Frankenthal refused to be abandoned. Sprung from the Protestant refugees who had fled from Alva's cruelties in the Netherlands, they were bound together by a bitter hatred against the foe, which was hardly shared by the German inhabitants of Heidelberg or Mannheim. Every man amongst them had arms in his hands, and they were proud of the part which they had taken in the short siege of the preceding year. The moment, therefore, that Burroughs showed signs of moving they gave him plainly to understand that not a single soldier should leave the town alive. They were fighting for a common cause; and they must live and die together.

Under these circumstances, Vere reluctantly abandoned his intention. "I believe," he wrote to Calvert, "no man's estate can be more miserable. I am as careful as may be to smother these my opinions, knowing it a great weakness to suffer them to appear. But to your Honour, to whom it is proper to be informed in a business of this weight, I hold it fit to be rather free than otherwise. I endeavour myself, so far as means will give me leave, to keep the enemy at a far distance; but if he press strongly upon me, as I perceive he goes about, I shall then be forced, to my great grief, to draw my small numbers into a straiter room, for such is the vastness of the town and works, in many places unfinished, and by the now dryness of the ditches much weakened, as would require an army to defend them."[1]

Vere's desperate position.

Vere could, at least, find some relief in the punctual performance of his duty. To Chichester, condemned to pass his time in enforced idleness at Frankfort, even this solace was denied. Charged with the mission of protesting at Ratisbon against the Emperor's audacity in daring

Chichester at Frankfort.

[1] Vere to Calvert, Sept. 23, *S. P. Germany.*

to consult the Princes of the Empire on a German question, instead of making a private arrangement with the King of England, he had been compelled by a taunting message from the governors of Worms and Spires to leave Frankenthal for the neutral territory of the Imperial city. They wished to know, they said, what he was doing amongst their master's enemies. If he were an ambassador, why did he not deliver his message to the Emperor? He was now subjected to gibes of an opposite description. Men did not shrink from saying to his face that all the misery around had been caused by the King of England's negotiations. If Frederick had not been forced to dismiss Mansfeld, his army might, 'by living upon the Bishops' countries and United Catholics, have ruined them, and have been at hand to have succoured and relieved his distressed towns and country.' Chichester knew not what to do. There was no certainty whether the Emperor would go to Ratisbon or not. He therefore took the resolution of despatching Nethersole to England to lay the state of affairs before the King. Nethersole had accompanied Frederick in his ride across France in the spring, and had only left him when he retreated for the last time into Alsace. He was therefore in a position to give an accurate account of all that had passed, and he would be certain not to be remiss in the conveyance of Chichester's warning, that vigorous and immediate action was indispensable, if the Palatinate was not to be abandoned altogether. He was to pass through the Hague on his way, and to consult with Elizabeth and the Prince of Orange.[1]

Nethersole's mission.

[1] Chichester to Calvert, Sept. 14, *S. P. Germany.*

## CHAPTER XLII.

### THE MISSION OF ENDYMION PORTER.

On September 24 Nethersole landed in England. The bitter tidings of the fall of Heidelberg had preceded him by four days. James's mind was distracted with other matters, and he had no immediate attention to bestow on so distasteful a subject. As if he had foreseen that it would be a long time before the clouds with which the sky was overcast would roll away, he had signalised by a grand creation of peers the breathing-time whilst the courier with the evil news was still on the way. Digby was rewarded for his many services with the earldom of Bristol. Doncaster was consoled for his late diplomatic failure with the earldom of Carlisle. Cranfield, snarling like a watch-dog over the Treasury, had quarrelled with Digby about his allowances before he started, till the harsh words "traitor's blood," and "pedlar's blood," flashed forth on either side, and had lately made an unprovoked attack upon Williams, bringing against him charges of malversation, which were proved to be utterly without foundation. Yet, cross-grained and ill-tempered as he was, his fidelity to his master's interests was unimpeached, and he now stepped forth with the lofty title of Earl of Middlesex. When such promotions were in the air, the Villiers family could hardly be forgotten, and Buckingham's brother-in-law, Fielding, was entitled to style himself Earl of Denbigh.

The new earls.

Serious as was the aspect of the times to ordinary Englishmen, there was high festivity at Court. Buckingham had just completed the purchase of the splendid mansion of New Hall, in Essex, from the Earl of Sussex, and the King, who had gone down to take part in the revelries with

James at New Hall.

which the new owner entered into possession, ordered Nethersole not to speak of business till the festivities were over

The delay, however, was not a long one. After a day or two the King removed to Hampton Court; and on the 27th Nethersole had an interview with Buckingham, which gave him no less pleasure than surprise. The news from Heidelberg had rooted itself painfully, for the moment, in the shifting sands of the favourite's imagination; and his voice was now to be heard amongst those raised most loudly for war. He was very confident, he said, that the King would now perform everything that he had promised. As for himself, he would use all the credit he had in hastening matters to a satisfactory conclusion, and it should not be his fault if he did not go in person to the wars. "Tell the Queen your mistress," he added, that though I cannot undertake to do so much as the Duke of Brunswick hath done for her service, I will show my good will not to be behind him in affection." Nor did Buckingham stand alone in his eager desire for war. Those who had hitherto favoured negotiation were now of one mind with Pembroke and Abbot in believing that the time for negotiation had passed by; and Weston's arrival was eagerly expected, in order that a vigorous resolution might be taken when a fuller knowledge of the state of affairs at Brussels had been obtained.[1]

Buckingham declares for strong measures.

Whether Buckingham would now be more successful in forcing an energetic policy upon James than on those former occasions when he had happened to be in a warlike mood, might well be doubted; but it was certain that he would have on his side the warm support of the Prince of Wales, and with the aid of the son he might not unreasonably hope to have at least a chance of conquering the reluctance of the father.

Buckingham and the Prince.

It was by his position far more than by his character that the Prince was likely to serve him. Charles had now nearly completed his twenty-second year. To a superficial observer he was everything that a young prince should be. His bearing, unlike that of his father, was

Character of Charles.

[1] Nethersole to Carleton, Sept. 28, *S. P. Holland.*

graceful and dignified. His only blemish was the size of his tongue, which was too large for his mouth, and which, especially when he was excited, caused a difficulty of expression almost amounting to a stammer. In all bodily exercises, his supremacy was undoubted. No man in England could ride better than he. His fondness for hunting was such that James was heard to exclaim that by this he recognised him as his true and worthy son.[1] In the tennis-court and in the tilting-yard he surpassed all competitors. No one had so exquisite an ear for music, could look at a fine picture with greater appreciation of its merits, or could keep time more exactly when called upon to take part in a dance. Yet these, and such as these, were the smallest of his merits. Regular in his habits, his household was a model of economy. His own attire was such as in that age was regarded as a protest against the prevailing extravagance. His moral conduct was irreproachable ; and it was observed that he blushed like a girl whenever an immodest word was uttered in his presence. Designing women, of the class which had preyed upon his brother Henry, found it expedient to pass him by, and laid their nets for more susceptible hearts than his.[2]

[1] Relazione di G. Lando, *Rel. Ven.* Ingh. 263.

[2] Lando describes him (*Rel. Ven.* Ingh. 261,) as "O vincendo e domando, o non sentendo li moti del senso, non avendo assaggiati, che si sappia, certi giovanili piaceri, nè scoprendosi che sia stato rapito il suo amore, se non per qualche segno di poesia e ben virtuose apparenze, arrossendo anco come modesta donzella se sente a parlare di materia poco onesta. Onde le donne non lo tentano nè anche, come facevano col fratello, che tanto pregiava le bellezze, ed era seguitato e rubato da ognuna."

In the face of this, it is impossible to pay any further attention to the vague gossip which Tillières thought worthy of a place in his despatches.

It is, however, well known that it is generally believed that Jeremy Taylor's second wife was a natural daughter of Charles, born before this time. Against this story Lando's evidence is of some weight, and it is certain that his opinion was shared by many others, as in a letter, addressed to Charles by Digby, on the 12th of August, 1621 (*Clarendon State Papers*, i., App. xvi.), there is mention of a wide-spread belief in Germany that the prince was physically incapacitated from ever becoming a father. The story rests upon family tradition, but anyone who reads

Yet, in spite of all these excellencies keen-sighted observers, who were by no means blind to his merits, were not diposed to prophesy good of his future reign. In truth, his very virtues were a sign of weakness. He was born to be the idol of schoolmasters and the stumbling block of statesmen. His modesty and decorum were the result of sluggishness rather than of self-restraint. Uncertain in judgment, and hesitating in action, he clung fondly to the small proprieties of life, and to the narrow range of ideas which he had learned to hold with a tenacious grasp ; whilst he was ever prone, like his unhappy brother-in-law, to seek refuge from the uncertainties of the present by a sudden plunge into rash and ill-considered action. With such a character, the education which he had received had been the worst possible. From his father he had never had a chance of acquiring a single lesson in the first virtue of a ruler—that love of truth which would keep his ear open to all assertions and to all complaints, in the hope of detecting something which it might be well for him to know. Nor was the injury which his mind thus received merely negative ; for James, vague as his political theories were, was intolerant of contradiction, and his impatient dogmatism had early taught his son to conceal his thoughts in sheer diffidence of his own powers. To hold his tongue as long as possible, and then to say, not what he believed to be true, but what was likely to be pleasing, became his daily task, till he ceased to be capable of looking difficulties fully in the face. The next step upon the downward path was but too inviting. As each question rose before him for solution, his first thought was how it might best be evaded, and he usually took refuge either in a studied silence, or in some of those varied forms of equivocation which are usually supposed by weak minds not to be equivalent to falsehood.[1]

Heber's *Life of Taylor*, will see that the traditions of that family were often vague, and sometimes incorrect. The lady, it seems, was very like Charles in personal appearance, and it is by no means improbable that some one may have accounted for the chance likeness in this way, and that in due course of time the story was accepted, if not by herself, at least by her children, who, in those days of Royalist enthusiasm, would feel a sort of pride in tracing their descent from the Royal Martyr.

[1] *Rel. Ven.* Ingh. 262.

Over such a character, Buckingham had found no difficulty in obtaining a thorough mastery. On the one condition of making a show of regarding his wishes as all important, he was able to mould those wishes almost as he pleased. To the reticent, hesitating youth it was a relief to find some one who would take the lead in amusement and in action, who could make up his mind for him in a moment when he was himself plunged in hopeless uncertainty, and who possessed a fund of gaiety and light-heartedness which was never at fault.

Buckingham's influence with him.

For the Spanish marriage, or indeed for any other marriage, Charles had long cared but little, though he had openly declared himself well satisfied with the provision made by his father for his future life. One of the feelings which he had retained from his childhood was a warm attachment to his sister; and it is by no means improbable that he had come to regard the match proposed for him mainly as the mode in which, as he was told, the restitution of the Palatinate might most easily be obtained. It was certainly hardly with a lover's feelings that he consented at last to play a lover's part. One day, after he had been paying compliments in public to a portrait of the Infanta, he turned to one of his confidential attendants as soon as he thought that his words would be unheard. "Were it not for the sin," he said, "it would be well if princes could have two wives; one for reason of state, the other to please themselves."[1]

His thoughts about the marriage.

At length, however, apparently after the dissolution of Parliament, a change seems to have taken place, partly, perhaps, because his increasing years brought a growing desire for marriage, partly, no doubt, because what he looked upon as the factious proceedings of the House of Commons, threw him, together with his friend Buckingham, more than ever into the arms of Spain.

His promise to visit Madrid.

Accordingly, during the last months of Gondomar's stay in England, the bonds between the Spanish embassy and the Prince of Wales were drawn more closely. It was one of the final triumphs of that ambassador, that he induced Charles not

[1] *Rel. Ven.* Ingh. 265.

only to admit Sir Thomas Savage, a known Roman Catholic, amongst the commissioners by whom his revenue was managed, but even to adopt this course after Savage had decidedly refused to take the oath of allegiance.[1] Before he left London, the ambassador had drawn from the Prince an offer to visit Madrid incognito, with two servants only, if, upon his own return to Spain, he should see fit to advise the step.[2]

Gondomar's object.

That, in angling for this promise, Gondomar was influenced by the idea that, when once Charles was under the spell of the Roman Catholic ceremonial, it would be easy to induce him to profess himself a convert to the religion of his bride, there can be no doubt whatever. Years before, when the marriage was first discussed, the suggestion that the Prince's presence at Madrid might in this way be turned to account, had been made by the Spanish ambassador.[3] It afterwards formed the groundwork of the complaint against Buckingham that he had been a fellow-conspirator with the Spaniard in an attempt to turn away his master's son from the Protestant faith; but it is almost inconceivable that he can seriously have entertained any such notion, though it is not impossible that just at that moment when what faith he had was trembling in the balance, when he was listening with one ear to his wife and his mother, and with his other ear to Laud, he may have uttered some rash words which cannot fairly be taken as affording a safe clue to his subsequent conduct. It can hardly be doubted that he looked upon the expedition as a bold dashing exploit, and that as such he represented it to Charles, who would naturally be captivated by the part which he would himself be called upon to play.

Since that conversation with Gondomar, however, much had

[1] Gondomar to Philip IV., Jan. $\frac{21}{31}$, 1622, *Simancas MSS.* 2518, fol. 20.

[2] "Este Principe me ha offrezido en mucha confiança y secreto que, si llegado yo á España le aconsejase que se vaya á poner en las manos de V Mag^d. y á su disposicion, lo hará y llegará á Madrid yncognito con dos criados." Gondomar to Philip IV., May $\frac{6}{16}$, *Simancas MSS.* 2603, fol. 35.

[3] See Vol. II. p. 316.

passed. As bad news came in from Brussels and from Heidelberg, Charles began to doubt whether his sister's inheritance was to be regained by the aid of Spain, and he was heard complaining loudly of the tricks which the Spaniards had been playing.[1] It was under this impression of uncertainty that Buckingham's last letter to Gondomar had been written,[2] and it was with the same feeling that the two young men determined, as soon as the fall of Heidelberg was known, that the next despatch should be carried by a confidential person who might be trusted with the delicate task of reminding Gondomar of the Prince's promised journey, and of bringing back a faithful report of the language of the Spanish ministers.

Endymion Porter.

The messenger selected for this purpose was Endymion Porter. By a strange destiny he had passed the early years of his life in Spain, in the service of Olivares.[3] He had afterwards returned to England, where he had attached himself to Buckingham, and had risen high in his favour. Report said that he had amassed a large fortune by the bribes for which he had sold his master's goodwill.[4] He was now a gentleman of the Prince's bedchamber, and was occasionally employed by Buckingham to conduct his Spanish correspondence.

His proposed mission.

This man had already, on September 18, written by Buckingham's direction to Gondomar, to assure him that the Lord Admiral was getting a fleet ready, and that 'he intended to take his friend with him in secret, to bring back that beautiful angel.'[5] These words, almost the only ones in the letter which have been preserved, show that the intention of the Prince to visit Madrid accompanied by only two servants had been for the time abandoned. If the plan now proposed was not without elements of rashness, it was wisdom itself as compared with the wild scheme ultimately adopted For if, as was evidently pre-supposed,[6] Buckingham was to sail

[1] Valaresso to the Doge, Sept. $\frac{20}{30}$, *Venice MSS.* Desp. Ingh.

[2] See p. 354.

[3] Interrogatories to be administered to Porter, 1627, *Sherborne MSS.* As these questions proceeded from Bristol, I can hardly be wrong in taking them as equivalent to assertions of fact.

[4] *Rel. Ven.* Ingh. 244.

[5] Interrogatories administered to Porter, 1627, *Sherborne MSS.*

[6] The plan was adopted immediately upon Porter's return.

in command of the fleet which was to bring the Infanta home, he would certainly not leave England till the marriage articles had been finally agreed upon, and there would therefore be no danger that the Spaniards would be emboldened to raise their terms by the Prince's presence at Madrid.

Whether James was at this time informed of the project or not, it is impossible to say.[1] It is at all events certain that the Privy Council knew nothing about the matter. On September 29, that body met to receive from Weston the report of his mission. After a long and anxious deliberation, extending over four days, it was decided that a direct summons should be addressed to the King of Spain. Seventy days were to be allowed him to obtain from the Emperor the restitution of Heidelberg, and if during that time it should happen that either Mannheim or Frankenthal were taken, it was to be restored as well. Philip was also to engage that the negotiations for a general peace should be resumed on the basis laid down in the preceding winter, and to bind himself by an express stipulation that, if the Emperor refused to consent to these terms, he would order a Spanish army to take the field against him, or, at least, would give permission to an English force to march through Flanders into the Palatinate. If, within ten days after this resolution was laid before Philip, he had not given a favourable answer under his hand and seal, Bristol was to leave Madrid at once, and to declare the marriage treaty broken off.

Sept. 29. Deliberation on Weston's report.

Summons to be addressed to Philip.

The despatch[2] containing the demands thus put forward by the Council was entrusted to Porter,[3] and served well enough to cover the secret mission with which he was charged. In a few weeks, therefore, James, unless he were sadly disappointed, would know what his position really was. Yet it is hardly likely that anyone except the King looked upon an armed alliance with Spain

Warlike language at Court.

[1] The reasons for setting aside Clarendon's story, at least in part, will be given later.

[2] The King to Bristol, Oct. 3, *Cabala*, 238.

[3] The Dutch Commissioners to the States-General, Oct. $\frac{4}{14}$, *Add. MSS.* 17,677 K, fol. 229.

against the Emperor as coming within the bounds of possibility. The language used in the Council breathed of war, and of war alone. An army of 30,000 or 40,000 men was to be ready in the spring to march into the Palatinate, under the command of the Prince of Wales. Parliament was to be summoned to meet in January, to vote the necessary supplies. Even Charles's head was for the moment full of dreams of military glory. He would be the ruin of anyone, he was heard to say, who attempted to hinder the enterprise.[1]

Yet, in spite of the warlike din which was sounding in his ears, and in spite of the extravagant demands of the Pope and the Cardinals, James could not bear to relinquish his hopes of peace. Gage, he resolved, should at once return to Rome, bearing a letter in which, passing by in silence the foolish language which had been used about his own conversion, he adjured the Pope to employ his undoubted influence with the Catholic sovereigns to put a stop to the bloodshed by which Christendom was being desolated. "Your Holiness," he wrote, "will perhaps marvel that we, differing from you in point of religion, should now first salute you with our letters. Howbeit, such is the trouble of our mind for these calamitous discords and bloodsheds, which for these late years by-past have so miserably rent the Christian world; and so great is our care and daily solicitude to stop the course of these growing evils betimes, so much as in us lies, as we could no longer abstain, considering that we all worship the same most blessed Trinity, nor hope for salvation by any other means than by the blood and merits of Our Lord and Saviour Christ Jesus, but breaking this silence to move your Holiness by these our letters, friendly and seriously, that you would be pleased together with us to put your hand to so pious a work, and so worthy of a Christian prince."[2]

Sept. 30. James writes to the Pope.

If James's nerve and judgment had only equalled the excellence of his intentions, he would indeed have carved

[1] Nethersole to Elizabeth, Oct. 3, *S. P. Holland.* Salvetti's *News-Letter*, Oct. $\frac{11}{21}$. Message sent by Porter, *Simancas MSS.* 2849, fol. 84.

[2] The King to Gregory XV., Sept. 30, *Cabala*, 376.

out for himself an enduring monument amongst those of the benefactors of humanity. Yet, even as it was, it was well that, amidst the turmoil of the strife, a voice should be heard from England, to warn, however vainly, the Head of that Church which styles itself Catholic, not to debase his high office to the miserable work of stirring up the elements which fed the lurid flames of religious war.

The King and the Pope.

On October 3 the despatch which Porter was to carry was placed in his hands, and he would have started on the following day if he had not been delayed by the unexpected arrival of Cottington, who had been recalled from his attendance upon the embassy at Madrid to enter upon his new duties as secretary to the Prince of Wales. As he had been specially detained in Spain till Bristol was able to obtain some certain intelligence of the progress of the marriage treaty, everyone was naturally eager to hear what he had to say.

October. Cottington's arrival.

It was not much that he was able to tell. Commissioners, amongst whom were Zuñiga and Gondomar, had been appointed to treat with Bristol, and they had loudly expressed their disapproval of the additions which had been made at Rome to the Articles, and had declared that the King of Spain would, without doubt, reduce his Holiness to reason.[1] In addition to the news which he brought, Cottington had with him a letter from Gondomar to the King, in which he expressed his hope to bring the Infanta with him in the spring, by which time all difficulties would be overcome. If it proved otherwise, he would come himself to England to confess his fault in having deceived his Majesty, and to offer himself as a sacrifice for the wrong which he had done.[2]

Spanish professions.

The Council, however, was unanimous in declaring that there was no ground for changing its resolution. James indeed was, as usual, inclined to hope for the best, and expressed an opinion that good might yet be expected from the Spanish overtures; but he soon found that he stood alone. Buckingham and the Prince led the cry for

Charles and Buckingham opposed to the King.

[1] Bristol to the King, Sept. 13, *S. P. Spain.*

[2] Salvetti's *News-Letter*, Oct. $\frac{11}{21}$.

active measures, and the Council voted as one man upon their side.[1]

It was a new position for James. Parliamentary opposition he could silence by a dissolution. The Council he could refuse to listen to. But never before had his son and his favourite combined against him. For the present, however, he was able to maintain his tranquillity; for he had contrived to pospone the immediate solution of the difficulty as long as possible, by despatching a second courier on the 4th, with orders to Bristol not to come home in case of receiving an unsatisfactory reply, but simply to report the fact to England.[2] At the same time he told Porter to inform the ambassador that if he were hard pressed he might secretly consent to the extension of the age of the children's education to nine years, though the limit was still to be stated in the public articles as having been fixed at seven.[3] In the meanwhile he took care to inform the Council that, till Porter's return, no active steps were to be taken to form any alliance with the Continental Protestants.[4]

October 4. Bristol ordered to report his answer.

At last, on October 7, Porter was ready to start on the mission which, as was fondly hoped, would settle the question one way or another. As he left the royal presence, all the bystanders cried out with one voice, "Bring us war! bring us war!"[5]

Porter leaves England.

Porter had not long been gone when news arrived that the vessel in which he crossed the Straits had been driven on shore in an attempt to enter Calais harbour in a storm, and that he had himself slipped as he was leaping into a boat, and had seriously injured his shoulder.

He is delayed at Calais.

[1] The Dutch Commissioners to the States-General, Oct. $\frac{10}{20}$, *Add. MSS.* 17,677 K, fol. 234. Valaresso to the Doge, Oct. $\frac{11}{21}$, *Venice MSS.*

[2] The King to Bristol, Oct. 4, Prynne's *Hidden Works of Darkness*, 20.

[3] Calvert to Bristol, Oct. 14, *ibid.* 21.

[4] The Dutch Commissioners to the States-General, Oct. $\frac{10}{20}$, *Add. MSS.* 17,677 K, fol. 234.

[5] "Quando el Don Antonio Porter salia por el lugar, todos le gritaban —Traiganos guerra,—Traiganos guerra." Message brought by Porter. *Simancas MSS.* 2849, fol. 48.

It would, therefore, be some days before he was able to continue his journey to Madrid.[1]

Immediately after Porter's departure the King had returned to Royston, happy enough to be set free from the anxieties of business. To a request from the Council that he would at once give orders for the issuing of writs for a parliament, he returned a distinct refusal. He would do nothing, he said, till he heard again from Spain. Buckingham, as eager now for war as ten months before he had been eager to make war impossible, chafed under the delay. Why, he asked of his fellow-councillors, should not a fresh Benevolence be raised? Then it would be easy to lay in a store of arms and munitions, and to make all necessary preparations for the expected campaign. The councillors shook their heads at the proposal.[2] They all felt that in the present temper of the nation a Benevolence was impossible. In the autumn of 1620, and in the autumn of 1621, the King's declarations had been received with universal enthusiasm; but no one believed in such declarations any longer. Rumours were abroad that Porter had been entrusted with some special message, and no one doubted for an instant that the result of that message would be to prolong the existing suspense. If the King's object had been merely to send an ordinary despatch to Spain, why should he have selected Porter, of all other men, to perform the work of a common courier.[3]

Buckingham's eagerness for action.

If war there was to be, it was of evil omen that the thoughts of those who were likely to be entrusted with its management turned once more in the direction of Mansfeld. According to his habitual practice, James was anxious to carry out his plans at the expense of others, and he actually had the effrontery to ask the Prince of Orange to keep Mansfeld and his troops in the pay of the States for a month after their engagement was at an end, in

Negotiation with Mansfeld.

[1] Meade to Stuteville, Oct. 19, *Harl. MSS.* 389, fol. 243. Nethersole to Carleton, Oct. 18. *S. P. Germany.*

[2] Nethersole to Carleton, Oct. 24, *S. P. Holland.*

[3] Nethersole to Carleton, Oct. 18, *S. P. Germany.*

order that, if Porter brought back an unsatisfactory reply, they might then be ready to enter the English service.[1]

This amazing request was, of course, met by a courteous but distinct refusal. The finances of the States-General were by no means prosperous, and they had just succeeded in achieving the object for the sake of which they had secured the adventurer's services. At the approach of Maurice with Mansfeld in his train, Spinola had suddenly raised the siege of Bergen-op-Zoom, and all further danger from the Spanish armies was at an end for the year. Nor was it only on land that Spain had failed to maintain her position. A large squadron, posted in the Straits of Gibraltar to destroy the Dutch fleet as it issued from the Mediterranean, had been compelled to allow the enemy to sail out in safety.

Relief of Bergen-op-Zoom.

About the same time, another large fleet of twenty-two galleons suddenly appeared on the English coast, eager to make havoc amongst the Dutch trading vessels which thronged the Channel. In the hope that a safe basis of operations might be gained, Coloma was instructed to demand shelter for his master's ships in the English ports. This time he asked in vain. In the excitement caused by the loss of Heidelberg, James forgot his old design upon Holland, and the demand was peremptorily refused. In a day or two the mighty fleet which had terrified England with the prospect of a new armada, sailed back without striking a blow.[2] The misfortunes of Spain did not end here. The Mexico fleet was overtaken by a storm before it left the West Indies, and the damage suffered was so great as to cause the postponement of the voyage to another season. This winter the Spanish Treasury would have to do as best it might, without the annual influx of silver.

A Spanish fleet in the Channel.

Such a combination of disasters was not without its influence upon the members of the Council of State at Madrid, rendering

[1] Calvert to Carleton, Oct. 9, *S. P. Holland.* Calvert to Buckingham, Oct. 12, *Harl. MSS.* 1580, fol. 175.

[2] The Dutch Commissioners to the States-General, Oct. $\frac{4}{14}$, *Add. MSS.* 17,677 K, fol. 229. Salvetti's *News-Letter*, Oct. $\frac{18}{28}$.

them more than usually impatient of a policy which threatened to prolong and enlarge the war in which Spain was engaged. It was therefore with surprise not unmingled with indignation, that they accidentally discovered that Zuñiga had been playing them false, and had been encouraging the Emperor in his design of bestowing Frederick's Electorate upon Maximilian. Khevenhüller had recently received instructions to explain to Philip that the Emperor's resolution was unalterable, and Zuñiga had again replied that the course proposed would be most agreeable to the King of Spain, though he doubted its practicability in the face of the opposition which was certain to arise. If the Imperial ambassador would promise to keep the whole affair a profound secret, he would be allowed to state his wishes before the King.

September. Zuñiga and the Council of State.

Not long after this conversation, Zuñiga was seized with a fever, and as he lay tossing on his sick-bed, he pointed out to an attendant a bundle of papers which were to be laid before the Council, amongst which had been placed by mistake the memorial to the Imperial Ambassador. When the mystery was thus unexpectedly revealed, those members of the Council who were opposed to his policy did not measure their words in reprobating the concealment which had been practised. It was thought that the harsh language then used had a serious effect upon his health. At all events from that moment he grew rapidly worse, and on September 27 he died.[1]

Death of Zuñiga.

By the death of his uncle Zuñiga, Olivares obtained the virtual control of the government of Spain. Hitherto he had been content to be what Buckingham was in England, the channel through which the favours of the Crown were distributed. He now became the medium for all political communications between the King and the various councils by which the affairs of the Spanish monarchy were conducted. From henceforth it was by Olivares that the opinions of these consultative bodies were laid before Philip, and it was through his hands that the orders passed by which

Olivares succeeds to his position.

[1] *Khevenhüller*, IX. 1780–1784

such resolutions as proved acceptable were carried into execution. With a sovereign, who, like Philip, hated the very name of business, such a position was equivalent to the possession of Royal power. Olivares was now practically king of Spain, as Lerma had been king before him.

In many respects, the new minister was far superior to the avaricious favourite of Philip III. He had a ready tongue and a quick apprehension. Caring little for pleasure and amusement, he turned his back upon everything that might stand in the way of his devotion to state affairs, excepting so far as he was required to join in the diversions of the King.[1] To bribes he was entirely inaccessible, and, in the opinion of those who were best able to judge, he was honestly desirous of doing good service to his king and country.[2] If he was incapable of rising to those heights from which a genial statesman, raised, like Bristol, above the passions and prejudices of the world, looks serenely down upon the strife of men, he was, at least within the limitations of his age and country, an intelligent and resolute politician. If there were many things which he did not see at all, he was at least able to see clearly whatever came within the sphere of his vision ; and even if he had not been the favourite of his sovereign, he might have ruled the Spanish councils by virtue of that supremacy which the ancient proverb assigns to the one-eyed man in the kingdom of the blind. Suddenly raised in youth to the direction of affairs, he had never had an opportunity of learning to estimate the weight of opposition which would be brought against him by men of other races and of other principles of action than his own. He was consequently, when by his uncle's death he was brought face to face with the problems of actual politics, in a position not unlike that of a theoretical mathematician of recognised ability, who might be called upon to conduct the siege operations of an army in real warfare. It has frequently been taken for granted by those who have

His character

[1] *Relazione Venete*, Spagna, i. 650.

[2] "Il fine delle sue intenzioni non credo che non sia il servizio del Rè." "Il Conte Duca . . . non riceve doni, vuole il servizio del Rè." *Ibid.* i. 653, 686.

judged only by the result, that the policy of Olivares was a warlike policy from the beginning. It was nothing of the sort. If there was any object for which he earnestly strove in order to heal the economical wounds of his country, it was peace, and especially peace with England. But he had clearly made up his mind that even war was to be preferred to national dishonour, whilst, on the other hand, he never arrived at anything like an accurate conception of the terms upon which peace was to be obtained. The limits of Protestantism, he imagined, could be driven back in Germany with the assent of the German Protestants; and the religion of England could be undermined and overthrown without wounding the susceptibilities of Englishmen. It was possible, he thought in his youthful ardour, to secure all the fruits of victory without the risks and anxieties of war.

and plans.

The day before Zuñiga's death, some days before Porter left England, the despatch which had been written in London on September 9 was placed in Bristol's hands.[1] He immediately demanded an audience, to lay his master's requirements before Philip. He wrote at once to Calvert that he would do everything in his power. For any want of fidelity in himself, he would 'willingly undergo all blame and censure. But for the errors of other men, as the indirect course taken from Rome, or what was done in Germany,' he could not be answerable. He understood that there were some in England who held him responsible for the success of the business. "I know," he said, "I serve a wise and a just master, whom I have and ever will serve honestly and painfully. And I no way fear but to give him a good and an honest account both of myself and my proceedings. And, whereas it is objected that I have written over confidently of businesses, I write confidently of them still, if our own courses mar them not by taking alarms and altering our minds upon every accident." He concluded by saying that the two months within which he was ordered to expect the conclusion of the marriage treaty, would hardly be sufficient for the purpose. Letters to Rome must be

Bristol's confidence.

[1] Page 353.

written and answered, and he hoped to receive instructions not to break with Spain for a month, more or less.[1]

October. Assurance given to Bristol.

On October 3, Bristol, accompanied by Aston, was received by Olivares at the Escurial, with the most profuse expressions of good-will. As soon as he had explained his master's annoyance at the addition of new and unheard of demands to the original marriage articles, the Spanish minister assured him that the Pope should be brought to reason. Then passing to the larger question, he declared that the Emperor's proceedings were entirely disapproved of at Madrid, and that, if it were necessary, Philip would come to James's aid, and 'would infallibly assist his Majesty with his forces.' Being then introduced to the presence of the King, Bristol repeated his complaints. The same language was used by Philip which had previously been employed by his minister. According to Bristol's report of the interview, 'he expressed an earnest desire that the match should be concluded, and that therein no time should be lost. He utterly disliked the Emperor's proceedings, and said he would procure his Majesty's satisfaction, and when he could not obtain it otherwise, he was resolved to procure it by his arms.'

News of the capture of Heidelberg.

The very next day the ambassador was officially informed that the Pope's resolutions upon the marriage articles would at once be taken into consideration. But before anything could be done, news of the fall of Heidelberg reached Madrid, and Bristol, who saw in the intelligence an excellent opportunity for putting the Spanish professions to the test, at once wrote to Olivares requesting that the King's garrisons in the Palatinate might be ordered to co-operate with Vere in maintaining Mannheim and Frankenthal against the Emperor.[2] To an assurance that a letter had been written to the Infanta Isabella, he replied that he had had enough of vague declarations of orders given, and that he should not be content unless the despatch were placed in his hands, to be sent by a courier of his own. He must be allowed to read it, in order that he might see whether it really contained instructions to the

[1] Bristol to Calvert, Sept. 28, 29, *S. P. Spain.*

[2] Bristol Memorial, Oct. 3, Bristol to Calvert, Oct. 8, *S. P. Spain.*

Infanta to intervene by force if Tilly refused obedience. His resolute bearing was not without its effect. His demand was taken into consideration by the Council of State, and it was there unanimously resolved, 'that, in case the Emperor should not condescend unto reason, this King should then assist his Majesty with his arms for the restitution of the Prince Palatine.' Even this, however, was not sufficient for Bristol. He found that the Spaniards wished to interpret this resolution as referring to assistance to be given at some future time, and that they were proposing, so far as immediate action was concerned, to content themselves with what they called 'earnest and pressing mediation.' He told them plainly that he would not accept an answer in such terms. His demand was at once acceded to.[1] Letters were despatched immediately to the Emperor and the Duke of Bavaria, urging them to the concessions required, whilst another letter, intended for the Infanta at Brussels, was entrusted to Bristol's courier, so that the English ambassador might be able to assure himself that she was really directed, in case of Tilly's refusal to raise the sieges of Mannheim and Frankenthal, to employ Spanish troops in support of the beleaguered garrisons.[2]

Language used to the Emperor.

Nor was it only in Bristol's presence that the Spanish Government drew back from the position which had been assumed by Zuñiga. Khevenhüller was distinctly told that whatever message had been carried by the friar Hyacintho must be understood at Vienna as it was interpreted by Oñate and the Infanta Isabella;

[1] Bristol to Calvert, Oct. 21, *S. P. Spain.*

[2] "Caso que los que governaren las dichas armas pongan alguna difficultad en el cumplimiento dello, V.A. les hará decir que, sino lo executaren, no permitirá otra cosa; y, si fuere necessario, mandará V. A. de la gente de guerra que por mi horden se entretiene en el Palatinado, que no solo tenga muy buena correspondencia con la que alli ay del Rey de la Gran Bretaña, pero que si conveniere se entreponga y procure que no recivia daño de otro; porque es justo se vea que de nuestra parte se hace esto, y todo lo que se puede." Philip IV. to the Infanta Isabella, Oct. $\frac{19}{29}$, *S. P. Spain.* The original is in the Archives at Brussels. It might be suspected that the instructions here given were countermanded by a secret despatch; but this is put out of the question by the Infanta's reply of Nov. $\frac{6}{16}$, *Brussels MSS.*

or, in other words, that the King of Spain would give no support, open or secret, to the transference of the Electorate. Philip, it was added, hoped that whatever was done would be done in agreement with the Princes assembled at Ratisbon. If his advice were not followed, no further assistance was to be expected from Spain.[1]

A year afterwards, the declaration made by Philip, that he would assist the King of England, if necessary even with his arms, was made the subject of grave complaint in England. The King of Spain, it was said, had engaged to compel the Emperor to restore the Palatinate to Frederick, and in refusing to fulfil his obligations he had violated his most solemn promises. It is, indeed, impossible to acquit Philip and Olivares of concealing their wishes and intentions. But it cannot be said that, in this matter at least, they were guilty of wilfully deceiving James. It was not the question of the ultimate disposal of the Palatinate which was now before them. It was the question of enforcing a suspension of arms in order to make room for subsequent negotiation. And that, for the moment at least, they were ready to fulfil their promises is evident from the language which they used in their despatches.

Of many things the Spanish ministers were grossly ignorant; but they saw clearly that the settlement of Germany was only possible if it proceeded from Germany itself. If James could have understood this, it would have mattered little that the concessions made to Bristol had been wrung from the fears of Olivares against his secret wishes. Had he been able to send a minister to Ratisbon to announce that he had secured his son-in-law's resolution to abide by the terms which had been offered in the preceding winter, he might perhaps have won over to the side of peace most of those who were present. Unless he could do this—if Frederick still cherished designs of continuing the war, or if he refused to make that submission which was considered by a great majority of the princes of Germany to be nothing more than the Emperor's due—James had better wash his hands of the whole affair.

Recall of Chichester.

[1] *Khevenhüller*, ix. 1784.

As usual, he preferred leaving the future to chance. On the first news of the fall of Heidleberg he had recalled Chichester to England. When the Assembly met, it would meet without the presence of a single representative either of Frederick or of James. If Oñate was there to counsel moderation on the part of Spain, it was not from him that a guarantee for the future good behaviour, or even for the present intentions, of the exiled Elector, could proceed. It would be left to Frederick's enemies to proclaim his misdeeds, and judgment would go by default.

In the meanwhile the junta appointed to consider the marriage articles had been proceeding seriously with its work. Gondomar who, since Zuñiga's death, was, without dispute, the ablest man among the commissioners, had been of opinion from the beginning that, in order to effect the conversion of England, it was unnecessary to resort to those startling demands which were regarded at Rome as indispensable. Under his influence, therefore, the junta lent itself without difficulty to Bristol's suggestions, and the ambassador, finding that his objections to the requirements of the Cardinals were regarded with a favourable ear, was enabled to augur well of the result of the negotiation.[1]

Discussion on the marriage articles.

Such was the position of affairs when, on the first day of November, Porter made his appearance at Madrid. The letter which he brought for Gondomar from Buckingham was well received, and the bearer was assured that the Prince would be welcome in Spain. To the demand for instant action in the Palatinate, it was less easy to obtain an answer. The King was away, hunting in the mountains, and for some days nothing could be done. Forgetting that he was a messenger, and not an ambassador, and fancying that Bristol was lukewarm in the business, Porter went straight to Olivares, and asked for an engagement that the Spanish forces in the Palatinate would give their support to Vere.

November. Porter at Madrid.

Such a demand, coming from such a man, roused all the

[1] Bristol to Calvert, Oct. 21, *S. P. Spain.*

indignation which, in his conversations with Bristol, Olivares had so carefully suppressed. It was preposterous, he said, to ask the King of Spain to take arms against his uncle,[1] the Catholic League, and the House of Austria. "As for the marriage," he ended by saying, "I know not what it means."[2]

His conversation with Olivares.

It was not long before the Spaniard repented the passionate outburst in which his secret feelings had been so openly laid bare. To Bristol's inquiries, he answered coolly that Porter was not a public minister, and that it was unfit to entrust state secrets to such a man. A day or two afterwards, as if to repair his minister's error, the King expressly reiterated to Aston his assurance that, if necessary, the aid of his armies should not be wanting in the Palatinate.[3]

It was now Bristol's turn to test the intentions of the Spanish Court. On November 18, he presented a formal demand for the restitution of the towns in the Palatinate, within seventy days. The summons, he soon found, was received with an universal outcry of disapprobation. The King of Spain, he was told, was as firmly resolved as ever to abide by the resolutions which he had taken. But to ask him to engage that Heidelberg and Mannheim should be restored within seventy days was a mere insult. "When these instructions were given you in England," said one of the Spanish ministers to Bristol, "they must have been very angry." In reporting what he heard to Calvert, the English ambassador expressed his opinion that the Spaniards still wished to give satisfaction to his master, but that they were 'in great confusion how to answer to the particulars.'[4]

Nov. 18. Bristol's demands about the Palatinate.

Bristol, in truth, was unwilling to acknowledge to himself

[1] The mother of Philip IV. was the Emperor's sister.

[2] Bristol afterwards asserted that the phrase about the match had not been reported to him, 'as far as he remembereth' (*Hardwicke State Papers*, ii. 501); but it seems likely enough to have been said. Porter's own story (*S. P. Spain*) was adopted by Buckingham in the narrative which he drew up for the Parliament of 1624.

[3] *Hardwicke State Papers*, i. 504.

[4] Bristol to Calvert, Nov. 26, *S. P. Spain.*

how untenable his position was becoming. His original policy of an alliance between Spain and England, grounded upon mutual respect, and used for the benefit of European peace, had broken down completely when the Parliament of 1621 was dissolved. He had then warned James how thoroughly the conditions of his mediation had changed. England could no longer meet Spain upon equal terms. She must supplicate for peace now that she was no longer in a position to demand it. That in Spain there was a great dread of war, and above all, of war with England, he had every reason to know, and he believed that, partly by appealing to that feeling, partly by holding out hopes that the marriage treaty would be accompanied by benefits to the English Catholics, he could still induce Spain to throw her weight into the scale of peace.

His position becoming untenable.

That this policy was a rational one under the circumstances few candid persons will deny. Its weak point was that it depended for success altogether upon the behaviour of Frederick and his allies. Unless James could so restrain the words and actions of his son-in-law as to make it evident to the world that the restoration of the Palatinate would not be the signal for a fresh war, leaving the Imperial forces to do all their work over again, it was ridiculous to expect that either Spain or the Emperor would consent to the terms proposed. Above all, it was most absurd that James, who had shown himself utterly unable to control his son-in-law's proceedings, should now be urging the Spanish Government to sacrifice all its principles and interests, by taking up arms against its own allies in such a cause.

Between the hallucination of James, that the Spaniards would fight for the re-establishment of his son-in-law, and the hallucination of the Spaniards that the Protestants of Europe would look on unmoved whilst the heir of the Palatinate was being educated in the Roman Catholic faith, Bristol's negotiation was in evil plight. Yet the mere fact that the Spaniards had promised at all to employ force for the preservation of the towns in the Palatinate from the Imperialist armies, is sufficient proof that if his master had been able to control events

upon the Protestant side, it was not at Madrid that any serious opposition would have been encountered.

A few days after Bristol's demands were presented, news arrived that Mannheim had fallen into the hands of Tilly.

With a garrison of fourteen hundred men, Vere had found it impossible to defend the extensive fortifications of the place; and, after setting fire to the town, he had retired into the castle. Even there his troops were all too few for the work before them. Mansfeld had long before swept away the stores which had been laid up for the siege; and the blockade had been too strict to permit of the introduction of fresh supplies in sufficient quantity. Provisions and fuel were running short, and there was only powder enough to last for six or seven days. Hope of succour there was none, the German soldiers were beginning to talk of surrender, and Vere had every reason to suppose that they would refuse to stand to their guns. Under these circumstances, there was nothing to be done but to come to terms with the enemy, and a capitulation was accordingly signed which allowed the garrison to march out with the honours of war.[1]

October 28. Fall of Mannheim.

Immediately after receiving the keys of the citadel, Tilly marched upon Frankenthal, the only place still occupied in Frederick's name. Advanced as the season was, he at once commenced the siege, in the hope of reducing the place before winter came. To a letter from Brussels, acquainting him that it was the King of Spain's wish that he should leave the place untouched, he had replied with a blunt refusal to accept orders from anyone but the Emperor.

Siege of Frankenthal.

If the Infanta had now been prepared to carry out the orders which she had received from Madrid, she would at once have given directions to the Spanish troops to break up the siege by force. But there were limits even to the power of a King of Spain. The Infanta informed her nephew that he had given orders which it was impossible to execute. The few Spanish troops left in the Palatinate were not sufficiently numerous to relieve the garrison of

November. The Infanta's refusal to relieve the garrison.

[1] Vere to Calvert, Oct. 30, *S. P. Germany.* Carleton to Calvert, Dec. 27, *S. P. Holland.*

Frankenthal; and even if this had not been the case, it was preposterous to imagine that Spain could ever be found fighting against the Catholic League. She hoped that his Majesty would use all good offices in favour of peace; but assuredly he could do nothing more.[1]

In truth, no one but James could ever have dreamed of anything else. It was his business to make peace desirable At the head of the neutral Protestants of Germany his word would have been worth listening to; but it was mere fatuity to expect the Spaniards to extricate him from the difficulty into which his own indolence had brought him.

Difficulties of the Spanish Ministers.

The Infanta's letter, reaching Madrid at a time when Bristol was pressing for an answer to the demand which he had been instructed to make, was not calculated to diminish the hesitations of the Spanish ministers. Nor was their course rendered less difficult by the arrival of a despatch from Oñate, announcing that the Emperor was not to be moved from his design of conferring the Electorate upon Maximilian.[2] Evidently the problem of keeping on good terms with James and Ferdinand at the same time was becoming more insoluble every day.

The Infanta Maria.

It was not only from the side of foreign politics that danger was to be apprehended to the good understanding which Olivares wished to establish between the Courts of London and Madrid. The Infanta Maria, whose hand was to be the pledge of its continuance, had now entered upon her seventeenth year. Her features were not beautiful, but the sweetness of her disposition found expression in her face, and her fair complexion and delicate white hands drew forth rapturous admiration from the contrast which they presented to the olive tints of the ladies by whom she was surrounded.[3] The mingled dignity and gentleness of her bearing

[1] The Infanta Isabella to King Philip IV., Nov. $\frac{3}{13}$, $\frac{6}{16}$. Memoir for A. de Lossada, *Brussels MSS.*

[2] Ciriza to Philip IV., Nov. $\frac{15}{25}$, *Simancas MSS.* 2507, fol. 21.

[3] Bristol to the Prince of Wales, Dec. 25, 1622; Feb. 22, 1623, *S. P. Spain.*

made her an especial favourite with her brother. Her life was moulded after the best type of the devotional piety of her Church. Two hours of every day she spent in prayer. Twice every week she confessed, and partook of the Holy Communion. Her chief delight was in meditating upon the Immaculate Conception of the Virgin, and preparing lint for the use of the hospitals. The money which her brother allowed her to be spent at play, she carefully set aside for the relief of the poor.

Her character was as remarkable for its self-possession as for its gentleness. Excepting when she was in private amongst her ladies, her words were few ; and though those who knew her well were aware that she felt unkindness deeply, she never betrayed her emotions by speaking harshly of those by whom she had been wronged. Anyone who hoped to afford her amusement by repeating the scandal and gossip of the Court, was soon taught, by visible tokens of her disapprobation, to avoid such subjects for the future. When she had once made up her mind where the path of duty lay, no temptation could induce her to swerve from it by a hair's breadth. Nor was her physical courage less conspicuous than her moral firmness. At a Court entertainment given at Aranjuez, a fire broke out amongst the scaffolding which supported the benches upon which the spectators were seated. In an instant the whole place was in confusion. Amongst the screaming throng the Infanta alone retained her presence of mind. Calling Olivares to her help, that he might keep off the pressure of the crowd, she made her escape without quickening her usual pace.[1]

There were many positions in which such a woman could hardly have failed to pass a happy and a useful life; but it is certain that no one could be less fitted to become the wife of a Protestant King, and the Queen of a Protestant nation. On the throne of England her life would be one continual martyrdom. Her own dislike of the marriage was undisguised, and her instinctive aversion was confirmed by the reiterated warnings of her confessor. A heretic, he told her, was worse than a devil. "What a com-

October. Her aversion to the marriage.

[1] Description of the Infanta, by Toby Matthew, June 28, 1623, *S. P. Spain.*

fortable bedfellow you will have," he said. "He who lies by your side, and who will be the father of your children, is certain to go to hell."[1]

It was only lately, however, that she had taken any open step in the matter. Till recently, indeed, the marriage had hardly been regarded at Court in a serious light. The case was now altered. A junta had been appointed to settle the articles of marriage with the English Ambassador, and although the Pope's opinion had been given, it seemed likely that the junta, under Gondomar's influence, would urge him to reconsider his determination. Under these circumstances the Infanta proceeded to plead her own cause with her brother. She found a powerful support in the Infanta[2] Margaret, the youngest daughter of the Emperor Maximilian II., who had retired from the world to a Carmelite nunnery at Madrid. This lady now put forth all her influence to induce the King to return to the scheme which had received his father's approval,[3] to marry his sister to the Emperor's son, the Archduke Ferdinand, and to satisfy the Prince of Wales with the hand of an archduchess.[4]

She remonstrates with her brother.

[1] Bristol to the King, Aug. 18, 1623, *S. P. Spain.*

[2] So termed at Madrid, though strictly speaking she should be called the Archduchess Margaret. Her mother was a Spanish Infanta.

[3] Vol. i. p. 351.

[4] "Ho anco inteso per sicurissima via che scrive il Nontio di Spagna trattarsi in quella Corte nell apparenza molto alle secrette questo matrimonio con Inghilterra, et ch'era molto portato dal Conte di Codmar," *i.e.* Gondomar, "dicendosi d'alcuni che seguira certo, et da altri che tutta era una fintione per addormentar Inghilterra, et che lui ne ha parlato secrettissamente con detto Conte, et con li ministri, accio che non si faccia senza la saputa del Pontefice, et così ne havea riportato parola et promessa;—che questa voce era arrivata sino all' Infante, et che si dovesse presto preparar per quel Regno; la qual ne mostrava dispiacere, ma che era stata consolata dalla Contessa di Lemos, et dal Infante Cardinale, et da tutte le dame del Palazzo, essortandola ad andar allegramente;—che all' Ambasciatore Inglese era stato promesso il vederla e visitarla, et che all' officio lei mai rispose, tenendo sempre gli occhi in terra;—che l'Infante Discalza," *i.e.* the Infanta Margaret, "insieme col Rè pur le hanno parlato di queste nozze, dicendole essa Discalza che le pensasse bene, poiche si trattava di lei sola; et che lei habbi detto al Rè che in

The tears of the sister whom he was loth to sacrifice were of great weight with Philip ; but she had powerful influences to contend against. Olivares, upon whose sanguine mind the hope of converting England was at this time exercising all its glamour, protested against the change ; and Philip, under the eye of his favourite, made every effort to shake his sister's resolution. The confessor was threatened with removal from his post if he did not change his language ; and divines of less unbending severity were summoned to reason with the Infanta, and were instigated to paint in glowing colours the glorious and holy work of bringing back an apostate nation to the faith.

For a moment the unhappy girl gave way before the array of counsellors, and she told her brother that, in order to serve God and obey the King, she was ready to submit to anything.[1]

In a few days, however, this momentary phase of feeling had passed away. Her woman's instinct told her that she had been in the right, and that, with all their learning, the statesmen and divines had been in the wrong. She sent to Olivares to tell him that if he did not find some way to save her from the bitterness before her, she would cut the knot herself by taking refuge in a nunnery ;[2] and when Philip returned from his hunting in November, he found himself besieged by all the weapons of feminine despair.

November. The Infanta's resolution.

Philip was not proof against his sister's misery. Upon the

gratia non le lasciasse ; onde persuadeva essa Discalza che, gia che si vede non mostrar questa figliuola inclinatione a quest nozze, ben sarà maritarla in Germania, et dar la figliuola dell' Imperator ad Inghilterra, onde da questi concetti dubbiosi che si introducono si va argomentando che possino Spagnoli in fine, quando non possino far altro, et cavatone il frutto che desideranno, liberarsi dalla promessa col dir che la figliuola don vuole maritarsi in Inghilterra, et addonar a lei tutto."—Zen to the Doge, $\frac{\text{Oct. 29}}{\text{Nov. 8}}$, *Venice MSS.* Desp. Roma.

[1] Corner to the Doge, $\frac{\text{Oct. 29}}{\text{Nov. 8}}$, *Venice MSS.* Desp. Spagna. Bristol to the King, Aug. 18, 1623, *S. P. Spain.*

[2] *Francisco de Jesus*, 48.

political effect of the decision which he now took he scarcely bestowed a thought. It was his business to hunt boars and stags, or to display his ability in the tilt-yard; it was the business of Olivares and the Council of State to look after politics.

Nov 25. Philip's letter to Olivares.

The letter in which he announced his intention to Olivares was very brief. "My father," he wrote, "declared his mind at his death-bed concerning the match with England, which was never to make it; and your uncle's intention, according to that, was ever to delay it; and you know likewise how averse my sister is to it. I think it now time that I should find a way out of it; wherefore I require you to find some other way to content the King of England, to whom I think myself much bound for his many expressions of friendship"[1]

Such a letter as this would have been irresistible, even if the minister's own opinions had remained unchanged; but during the last fortnight much had occurred to shake his determination. On the one hand, Bristol's peremptory demand for immediate co-operation against the Emperor had been presented; on the other hand, it was now known at Madrid that Tilly had not paid the slightest attention to the Infanta's remonstrances, and that nothing would induce the Emperor to postpone any longer the transference of the Electorate. Under these circumstances it was evident that it was necessary to reconsider those wide-

Nov. 28. Olivares' change of policy.

[1] This letter is only known from an English translation. It was afterwards shown to the Prince of Wales by Olivares; but he was not allowed to take a copy. The letter as printed here differs from that to be found in many collections. It is from a paper amongst the Spanish State Papers, in the Prince's own handwriting, with interlineations and corrections which leave scarcely any doubt as to its being the original draft which Charles is said to have written down immediately after the interview. The letter as usually given (in *Cabala* for instance, p. 314,) is longer. The changes may have been added for the purpose of making it clearer to an English audience, as when "Your uncle" becomes "Your uncle Don Baltazar," or they may have been simply added on further consideration. It is perfectly immaterial which view is adopted, as in all essential points the two letters agree. The question of the date will be discussed in a note to p. 393.

reaching plans which had a few weeks before seemed so easy of accomplishment, and the result was a memorial addressed by Olivares to the King, and laid before the Council of State for its approval.[1]

"Sir," he began, "considering the present state of the treaty of marriage between Spain and England, and knowing certainly, as I understand from the ministers who treated of the business in the time of our lord the King Philip III. —may he now be in glory,—that his meaning was never to effect it unless the Prince became a Catholic, but only with respect to the King of England to prolong the treaty, and the consideration of its articles, till it could obtain the conditions at which he aimed; and also to retain the amity of that king, which was desirable in every way, and especially on account of the affairs of Flanders and Germany and the obligation under which he has placed us as regards the latter; and suspecting likewise that your Majesty is of the same opinion, although you have made no demonstration of any such intention, yet founding my suspicions on the assurance which I have received that the Infanta Donna Maria has resolved to enter a nunnery the same day that your Majesty shall press her to make the marriage without the above-mentioned conditions, I have thought fit to present to your Majesty that which my zeal has suggested to me on this occasion, and which I consider will give great satisfaction to the King of Great Britain."

His memorial.

The minister then proceeded to show that James was involved in two difficulties: the one that of the marriage; the other, that of the Palatinate; and that it was not to be supposed that, even if the marriage were effected, he would cease to require the restitution of his grandchildren. If, therefore, the Infanta were married before the other question was settled, his Majesty would find himself in a dilemma; for, argued Olivares with every show of reason on his side, "it will be necessary for you to declare against the Emperor and the Catholic League, a thing which even to hear, as a mere possibility, will offend your Majesty's pious ears; or to declare yourself for the Emperor and the Catholic League, as certainly you

[1] Bristol to the King, Aug. 18, 1623, *S. P. Spain.*

will, and to find yourself engaged in a war against the King of England, and your sister married to his son." Any other supposition, he went on to say, was inadmissible. Neutrality would be out of the question. The King of England had made up his mind that he was to recover the Palatinate with the help of Spain; the Emperor, on the other hand, would not give way, at least as far as the Electorate was concerned. It was, therefore, by no means easy for Philip to escape from the situation in which he was placed; and, if something were not done at once, it would be impossible for him to extricate himself at all. Olivares ended by proposing once more the old plan which had found favour with Philip III.—the marriage of the Prince of Wales with the Emperor's daughter, and a Catholic education for Frederick's eldest son at Vienna, with the prospect of the hand of an archduchess when he came of age. Thus everybody would be satisfied, and Europe would be at peace.[1]

Never before, in all probability, had so visionary a scheme been found side by side with such sturdy common sense. Olivares at least saw plainly that the great difficulty of the day was the German war, and that all questions about family alliances and the amelioration of the condition of the English Catholics were insignificant in comparison; yet, true Spaniard as he was, he could not rise, as Bristol had risen, to a position from which the two parties could be regarded with an equal eye. His own religion was to resume its due superiority almost without a struggle. Protestanism was not a religion at all; certainly not one for which anyone was likely to fight, excepting from selfish motives. All that was needed was to throw a little dust in the eyes of the princes. Let Frederick be persuaded that his son would regain the inheri-

Character of the scheme.

[1] The date of this memorial is always given in the English translations as Nov. 8. But the original Spanish (*Francisco de Jesus*, 48) gives Dec. 8, that is to say, $\frac{\text{Nov. } 28}{\text{Dec. } 8}$, and this is confirmed by Bristol's letter of Aug. 18, 1623. Evidently the translator altered the month from the new to the old style, and forgot to change the day. The same will hold good of Philip's letter to which I have assigned the date of $\frac{\text{Nov. } 25}{\text{Dec. } 5}$, instead of Nov. $\frac{5}{15}$. In the English copies all references to the Prince's becoming a Catholic are omitted. Was this deliberate excision Charles's work?

tance of his family, and he would not stop to haggle over such a trifle as his education at a Roman Catholic Court. Let James be persuaded that his dynastic interests would be secured, and he would surely not trouble himself about religious changes in the Palatinate.

Utterly absurd as was Olivares' estimate of the power of resistance which Protestantism still possessed, he was undoubtedly in the right in holding that, with all her antecedents, Spain could not separate herself from the Emperor. Yet, when his memorial was read in the Council of State, that body unanimously refused to endorse it.[1] Objecting to the path upon which Olivares was entering, as ultimately leading to war with England, the councillors were nevertheless incapable of striking out an antagonistic policy. With the instinct of weak men, they preferred blundering on in the old track, in the hope that some lucky accident would occur to set them free from the consequences of their long duplicity.

Intrigues of Olivares.

When Olivares met with opposition in the Council of State, he never allowed his displeasure to be seen. To all outward appearance he gave way to its decision. It was in this spirit that he now set to work. Every public act was to be in accordance with the supposition that the marriage treaty was not to be abandoned. In consequence of this resolution, the negotiations with Bristol went on as before. The junta reported the result to the King, and the King formally expressed a satisfaction which he was far from feeling. Royal letters were written to the Spanish Ambassador at Rome, urging him to hasten the dispensation by every means in his power. These letters were allowed to fall into Bristol's hands, so as to remove all possible doubt of Philip's sincerity from his mind; but all this was only a solemn farce. On the day after his memorial was written, Olivares sent for Khevenhüller, and requested him to lay his plan before the Emperor.[2] Of that which to ordinary eyes constituted the main difficulty, Olivares had no fear at all; of the popular resistance which was certain to arise in England, he had simply no conception whatever;

[1] Bristol to the King, Aug. 18, 1623, *S. P. Spain.*

[2] *Khevenhüller*, ix. 1789.

nor did he even fancy that there would be any indignation aroused by the failure of the marriage treaty. The Pope had declared that without liberty of worship he would not grant the dispensation; and if there was any fear of his giving way, it would be easy to convey to him a private hint that the despatches from Madrid were not intended to be seriously regarded, and that if he wished to please the King of Spain, he must refuse the petitions which were presented by his ambassador.[1]

Such was the strange compound of audacity and cajolery with which the affairs of Spain were from henceforth to be conducted. In all seriousness, Gondomar went backwards and forwards between Bristol and the junta. At last, on

[1] "It is true that the Conde of Olivares, upon some scruple which the Infanta seemed to make to marry with a Prince of a different religion, but especially for that he feared that if the match with the Infanta should be made, and the business of the Palatinate not be compounded, they should hardly obtain their end of a peace, which they chiefly aim at, projected and thereupon wrote a kind of discourse, how much fitter it would be for this King taking a daughter of the Emperor's to match her with the Prince, and thereby both to make an alliance, and to accommodate the troubles of Germany; and he proceeded so far in this conceit that privately he procured a commission from the Emperor to treat and conclude that match with me if occasion were offered. But when this discourse of his came to be seen in the Council of State, it was utterly disliked by all, and resolved that it should in no ways interrupt the going forward to a present conclusion of the match for the Infanta with me . . . . And divers of the Council have told me that this discourse was upon a false ground, pre-supposing that neither the last king nor this intended to proceed in the match unless the Prince would turn Catholic, which point had long before been cleared, and the mistake merely grew out of this Conde of Olivares being absolutely new in the business."—Bristol to the King, Aug. 18, 1623, *S. P. Spain.* Of course Bristol may have been misinformed, but I do not suppose he was. The difference of opinion between the Royal family and the ministers is corroborated by a despatch of the Venetian Ambassador at Rome, who says that he was informed by Cardinal Ludovisi that the marriage 'sia molto consigliato dalli ministri, ma che pero gli parenti, et quelli del sangre, non lo consigliano, ma piutosti nel figliuolo dell Imperatore.' Zen to the Doge, Jan. $\frac{11}{21}$, 1623, *Venice MSS.* Desp. Roma. Though Olivares is not directly mentioned, there can be no doubt that he took the part of the Infanta, and it will be seen that, some time after this, he continued to be a warm advocate of the German marriage.

December 2, Bristol received what, as he supposed, was the final resolution of the Spanish Government. On the question of the church in London, he was informed that the King of Spain was ready to give way, and to restrict its publicity to the household of the Infanta. But he was told that it was impossible to allow the ecclesiastics who were to attend her to be subject to the laws of England. If James pleased, he might have the option of banishing any one of them who might offend against his laws, and a private assurance would be given that if, in any very foul case, he chose to proceed to actual punishment, the King of Spain would wink at the violation of the article. With respect to the education of the children, James's secret engagement to leave them in the hands of their mother till the age of nine would be accepted, though it was hoped that one more year would be added. The last point to be decided was the difficult one of the protection to be afforded to the English Catholics. What James had offered was a general promise that the penal laws should be mercifully administered, and that no one should suffer death for his religion. The least that the Pope had asked was that liberty of worship should be granted, and liberty of worship was understood at Rome to mean the free use of a public church in every English town.[1] Gondomar now proposed a middle course. Let James, he said, promise in general terms to avoid all persecution of the Catholics as long as they occasioned no scandal, or, in other words, let him consent to permit them the free exercise of their religion within the walls of their own houses. If he would do that, it would be unnecessary for the stipulation to be included in the marriage treaty. A letter containing the engagement, and signed by the King and the Prince of Wales, would be sufficient.

December. The marriage articles amended.

With this declaration Bristol professed himself so far satisfied that he would gladly see the articles thus modified sent to Rome. Till he had received fresh instructions from home, it would be impossible for him to give a formal assent to the changes proposed; but he was

They are sent to Rome.

[1] Zen to the Doge, $\frac{\text{Dec. } 28}{\text{Jan. } 7}$, *Venice MSS.* Desp. Roma.

unwilling to cause any further delay. Promises were accordingly given to him that pressure should be put upon the Pope to induce him to accept the treaty as it now stood, and to give a final answer before the end of March or April. In the mean time, the questions relating to the Infanta's portion and dowry might be discussed and settled, and the marriage might take place before the spring was at an end.[1]

Answer about the Palatinate.

With respect to the Palatinate, a less decisive answer was given. Everything, it was said, should be done to satisfy the King of England, but it would be unseemly to call upon the Emperor to surrender the towns in the Palatinate at seventy days' notice. Nor was it possible for the King to take any decided resolution till a reply had been received to his last despatch.[2]

Bristol recommends the adoption of the amended articles.

Of all this Bristol was inclined to take a favourable view. He could not see, he said, how the Palatinate could be recovered without the aid of Spain, and it was ridiculous to suppose that Philip would send his sister, and 500,000*l.* as well, to a country with which, if he did not mean honestly about the Palatinate, he would certainly be at war in a very short time. The only real question, therefore, was whether the marriage was intended or not.

In expressing his belief that the Spanish Council of State was in earnest about the marriage, Bristol did not form his conclusions rashly. He had received good information of the language used by the members of that body at their sittings. He had seen their reports presented to the King, and he had also seen the notes written by Philip's own hand, by which those proceedings were approved.[3] Was it possible to suppose, he might well argue, that a king would carry out a deception so systematically, not only with foreign ambassadors, but even

[1] Bristol to Calvert, Nov. 26, Nov. 28, Dec. 4; Bristol to the King, Dec. 10, *S. P. Spain.* The accommodation of the differences in religion.—Answer given to Bristol, Dec. $\frac{2}{12}$. Prynne's *Hidden Works of Darkness*, 22, 23.

[2] Verbal answer given to Bristol's Memorial, *S. P. Spain.*

[3] Bristol to the King, Aug. 18, 1623, *S. P. Spain.*

with his own ministers? And even if he did, what use would it be to him to trick the whole world, when he was certain to be unmasked in a few months at the latest?

Such arguments would have been sound enough, if Spanish statesmen had been governed by the rules which ordinarily influence human conduct. What it was impossible for Bristol to conceive was, that Gondomar, who was openly and honestly advocating the marriage, was under the delusion that the promised visit of the Prince of Wales would end in his conversion to the Catholic creed, and that Olivares, who was secretly opposing the marriage, was fully convinced that it was possible to break it off, and to obtain the education of the young Prince Palatine as a Catholic, without giving the slightest offence to James.

Accordingly, Gage, who had been sent to Madrid to watch the progress of the negotiation, was ordered to start at once for Rome, and on December 13, Porter at last set out for England, carrying with him the amended articles, and a secret message from Gondomar, joyfully accepting the offer of a visit from the Prince.

Porter's return.

On January 2, Porter arrived in England. On two of the alterations, that relating to the additional year for the education of the children, and the more important one, which exempted the ecclesiastics of the Infanta's household from secular jurisdiction, James had already given way on the first intimation from Bristol that these changes were desired in Spain.[1] No further difficulty was therefore made. James and Charles at once signed the articles, as well as a letter in which they engaged that Roman Catholics should no longer suffer persecution for their religion, or for taking part in its sacraments, so long as they abstained from giving scandal, and restricted the celebration of their rites to their own houses, and that they should also be excused from taking those oaths which were considered to be in contradiction with their religious belief. This letter, however, was to

1623. January. The amendments accepted by the King.

[1] The King to Bristol, Nov. 24, 1622, Prynne's *Hidden Works of Darkness*, 22.

be retained in Bristol's hands till the dispensation had actually arrived.[1]

Whilst James and his son were thus signing away the independence of the English monarchy, his subjects were regarding the proceedings of their sovereign with scarcely concealed disgust. This time it was reserved for the young lawyers of the Middle Temple to give utterance to the feelings which the preachers now hardly dared to mutter. At their Christmas supper, one of them, we are told, 'took a cup of wine in one hand, and held his sword drawn in the other, and so began a health to the distressed Lady Elizabeth; and, having drunk, kissed the sword, and laying his hand upon it, took an oath to live and die in her service; then delivered the cup and sword to the next, and so the health and ceremony went round.'[2]

1622. Revels at the Temple.

Such opposition would have been harmless enough if James had had any real understanding of the political situation. But the news which Porter had brought lulled him once more to sleep, and he was now ready, not merely, as Bristol advised him, to make use of the good offices of Spain for whatever they might be worth, but to give himself up blindly into the hands of the Spanish Government. He had already taken up warmly the plan for the sequestration of Frankenthal which he had denounced, a few months before, in no measured terms, and had been surprised to find that the Infanta was not quite so ready to accede to his wishes as she had been when the walls of Heidelberg and Mannheim were still guarded by his soldiers.[3] Accordingly he appealed directly to Philip. Tilly had broken up the siege on November 24, but the town was still blocked up by the troops of his lieutenant Pappenheim, and even if it were not assaulted by force, it would be compelled to surrender from want of provisions before the end of March.[4]

The sequestration of Frankenthal asked for.

[1] Calvert to Gage, Jan. 5, Prynne's *Hidden Works of Darkness*, 25.

[2] Meade to Stuteville, Jan. 25, *Harl. MSS.* 389, fol. 274.

[3] Coloma to the King, $\frac{\text{Oct. } 29}{\text{Nov. } 8}$, *Harl. MSS.* 1583, fol. 305. De la Faille to Trumbull, Dec. $\frac{5}{15}$, *S. P. Germany.*

[4] The King to Bristol, Jan. 7; Calvert to Bristol, Jan. 7, Prynne's *Hidden Works of Darkness*, 27, 28.

In this matter, at least, James had hardly any choice. With the best will in the world it would be impossible for him to send an English army into the Palatinate before the end of March. His fault was, not that he advocated the sequestration of Frankenthal, but that he had allowed affairs to fall into such a deplorable state that nothing better could be done.

Yet even now news came from Germany which would have been grateful to anyone with a clear perception of the position of affairs. For it was now known that the Elector of Saxony, who in July had been thrown into the arms of the Emperor by Frederick's ill-advised proceedings at Darmstadt, was beginning in October to doubt the wisdom of the course which he had been pursuing.

Ferdinand, elated with success, had thought that the time was come to take one more step in the reduction of Bohemia to his own religion. In the spring he had expelled the native Bohemian clergy from the country, and he now gave orders that the German Lutheran churches should be closed, and that the last of the Protestant clergy should be sent into exile. Against this the Elector of Saxony protested. Special promises, he said, had been made to him that Lutheranism should be left untouched in Bohemia. He was answered, that those promises had only been given on condition that the Bohemians made their submission peaceably. As, however, it was notorious that this had not been the case, Ferdinand had as much right as any other of the Princes of the Empire to provide as he pleased for the religious teaching of his subjects. The special arrangements made in Silesia by the Elector in the name of the Emperor would be respected, but no interference with the other states of the Austrian monarchy could be permitted.[1]

October. Expulsion of the Lutheran clergy from Bohemia.

The theory which strained to the uttermost the rights of territorial sovereignty in matters of religion, had been too long the basis of the whole political system in Germany to make it probable that John George would do more than make empty remonstrances against the persecution which

State of the Palatinate.

[1] *Londorp*, ii. 630–653. Hurter, *Gesch. Ferdinands II.*, ix. 213. Pescheck, *Gegenreformation in Böhmen*, ii. 36.

was setting in in Bohemia. But it was different with the Palatinate, which was not yet legally in the hands of a Catholic sovereign. Tilly's first act after the surrender of Heidelberg had been to found a college for the Jesuits there, and it was not long before the churches were filled with Catholic priests. Unless something were done shortly, the Palatinate would be lost to Protestantism for ever.

Difficult position of the neutral Protestants.

Unfortunately, John George was no more likely than James to strike out a new and vigorous policy in accordance with the altered circumstances of the time. Yet the difficulties which beset him in common with the other neutral Protestants, were not altogether of his own creation. In leaning to the side of Ferdinand, he had been defending the cause of order against anarchy. If he was to change his attitude and to defend the cause of the religious independence of the Protestant States against the Emperor, what assurance could he have that he was not bringing back the anarchy which he detested? Nor was this a mere theoretical question, as, long before the end of the year, Mansfeld, at the head of his free companies, was once more at his work of plunder and destruction within the limits of the Empire.

Mansfeld discharged by the States.

With the relief of Bergen-op-Zoom the need for Mansfeld's services in the Netherlands had come to an end, and it was not likely that the States-General, in the midst of their own financial necessities, would keep in pay an army which they no longer wanted, merely to suit the convenience of James. Mansfeld was accordingly discharged on October 27, and sent over the frontier to find support as best he could. An attempt upon the Bishopric of Münster brought him face to face with the enemy in superior force,[1] and he turned his steps towards East Friesland. To him it was a matter of perfect indifference that he had no cause of quarrel whatever with the unlucky Count of East Friesland or his subjects. It was enough for him that the country was rich in meadows and in herds of cattle, and that, surrounded as it was by morasses, it would form a natural

His proceedings in East Friesland.

[1] Carleton to Calvert, Nov. 5, *S. P. Holland.*

fortress from which he might issue to plunder the neighbouring territories at his pleasure. He at once sent to the Count to demand quarters for 15,000 men, a loan of 30,000 thalers, and the possession of Stickhausen, a strong fort on the Soest, which commanded the only road by which the country was accessible from the south.[1] Before an answer could arrive, he made himself master of the place; and in a few days his troops had spread over the whole country. The aged Count himself was placed under arrest with his whole family, and his money was confiscated for the use of the army. Heavy contributions were laid upon the landowners and farmers, whilst the soldiery were suffered to deal at their pleasure with the miserable inhabitants.[2]

He looks to France for aid.

Such were the proceedings of the man who, if James had listened to the unwise advice of the Prince of Orange, would have been furnished with English gold, and sent to reconquer the Palatinate.[3] He was now looking to France for aid; for Louis had at last made peace with his Huguenot subjects, and it was understood that the French ministers were beginning to view with jealousy the increasing vigour of the House of Austria.

Frederick returns to the Hague.

Meanwhile Frederick had once more returned to the Hague. Still floating aimlessly, like a cork on the tumbling waves, he was as irresolute and as impracticable as ever. His own wishes would have led him to give full support to Mansfeld, and to proclaim war to the knife against the Emperor and Spain; but he was absolutely penniless himself, and there were no signs that his father-in-law would support him in any such enterprise. In the midst of his sorrows, the news of the change in the Elector of Saxony's feelings came like a gleam of sunshine across the watery sky; but Frederick never knew how to profit by his advantages when they came. He could not see that he must choose once for

[1] Carleton to Calvert, Nov. 18, *S. P. Holland.* Uetterodt's *Mansfeld*, 525.

[2] Uetterodt's *Mansfeld*, 526.

[3] The Prince of Orange to the King, Nov. $\frac{2}{12}$, *S. P. Holland.*

all between anarchy and order, and that alliance with Mansfeld's brigands and the hordes with which Bethlen Gabor was again proposing to sweep over the Empire,[1] was utterly incompatible with the friendship of John George, and of those unenthusiastic princes and populations who wished to see the Emperor powerful enough to put down with a strong hand such atrocities as those of which Mansfeld had recently been guilty in East Friesland.

Under these circumstances, the long letter which Frederick despatched to the Elector of Saxony was only calculated to produce an effect the very opposite to that which he desired. Scarcely touching upon the catastrophe of Bohemia, he dwelt at length upon the wrongs which he had suffered at the hands of the Emperor. He had just been unjustly put to the ban, unheard and uncondemned. His towns had been seized and plundered; his subjects ruined, and debarred from the exercise of their religion. The Emperor and the League were not in earnest when they spoke of peace. Yet, much as he had been injured, he was ready, at the request of his father-in-law, to surrender his private pretensions. John George, he was certain, would acknowledge that the ban was utterly illegal, and would do his best to induce the Emperor to withdraw it and to issue a general amnesty. In that case, if not required to do anything contrary to his honour and his conscience, he would be prepared, as soon as he was perfectly restored to his lands and dignities, to acknowledge all due respect and obedience to the Emperor.[2]

1623. January. Frederick's letter to the Elector of Saxony.

That Frederick should have entertained such views of his rights and duties is not to be wondered at; but it is strange that he did not see that John George's alliance was not to be won on such terms; for the question whether his submission was to be made before or after the grant of the amnesty, involved the whole matter at issue, not merely with Ferdinand, but also with the great majority of the Princes of the Empire. Before giving any

Terms proposed by him unacceptable.

[1] Chichester to Carleton, Nov. 25, *S. P. Holland.*

[2] Frederick to the Elector of Saxony, Jan. $\frac{12}{22}$, *Londorp* ii. 653.

support to the injured Protestants of the Palatinate, the German neutrals wanted to know whether Frederick had renounced the right of making war upon any other prince who happened to displease him; and unless he could assure them on this point, he had small chance of obtaining a hearing wherever the right of private war was regarded as an intolerable nuisance. Nor was it only by reference to the existing political necessities of Germany that Frederick stands condemned, for he had distinctly promised his father-in-law to accept peace on the principles which he now repudiated, and he had never informed James that he had retracted his promise.

How fatal an enemy Frederick was to his own cause was now, not for the first time, to be seen. On November 14 Ferdinand had reached Ratisbon, eager to force upon the assembly which he had summoned the acceptance of the act by which he had privately conferred the Electorate upon the Duke of Bavaria. The ill-treatment of the Bohemian Lutherans had robbed the gathering of its character as an impartial representative of the two religions. The Electors of Saxony and Brandenburg were present only by their ambassadors. The Dukes of Brunswick and Pomerania were not present at all. The only Protestant who appeared in person was the Landgrave of Hesse-Darmstadt.

1622. November. The assembly at Ratisbon.

From an assembly thus constituted Frederick could hope for little favour. Yet scarcely had the Emperor announced his intention than opposition arose on every side. It was not till January 20 that the answer of the assembly was delivered to him. Ferdinand's treatment of Frederick was approved of; but he was nevertheless recommended to lay the question of his deposition before the Electoral College; and a strong opinion was expressed as to the impolicy of passing over his immediate relations in favour of Maximilian.

1623. January. Resistance to the Emperor.

Such an answer from such a body leaves no doubt that the peace of Germany was in Frederick's hands. If he had sent a representative to Ratisbon to offer any reasonable guarantees of his intention to keep the peace, he could by no possibility

have failed in carrying the assembly with him. But Frederick made no sign, and James, accustomed as he was to make the most lavish promises on behalf of his son-in-law, had, on a foolish punctilio, refused to allow Chichester even to appear at the assembly. Amongst the foreign ambassadors, Oñate stood alone in protesting against the transference of the Electorate.

As it was, the conflict of opinion was embittered by the obstinate firmness of the Emperor. On February 13 Ferdinand pronounced his final decision. Whenever Frederick thought proper to seek for pardon, he would gladly give ear to his request for restoration to his lands and territories; but he would never tolerate him again in the Electoral College. He would, however, content himself with limiting the Electorate which he was about to confer to the lifetime of Maximilian. In the meanwhile, the rights of Frederick's children and relations should be subjected to judicial inquiry, in order that they might receive their due after the death of the Duke of Bavaria.

February. Tranference of the Electorate.

Two days afterwards, the Electorate was solemnly conferred upon Maximilian, in spite of the protests of the ambassadors of Spain, of Saxony, and of Brandenburg.[1]

The significance of the act which had thus been accomplished in spite of all opposition, could hardly be fully appreciated at the time. To those who witnessed it, it seemed an act of triumph, proclaiming Ferdinand's ascendancy in the Empire. Of the six Electors who would now gather round his throne, two only would in future be Protestants. Yet, in reality, in the eyes of those who could penetrate beneath the surface, that day was of evil augury for the fortunes of the Empire. On it the seeds were sown which were to ripen to a bloody harvest at Leipzic and Lutzen. It was now that the first open blow was struck which was to dissipate the idea to which Ferdinand owed his strength,—the idea that his throne could ever become the fountain of justice and the centre of unity to a distracted nation. In his battle against turbulence and disorder, it was in the spirit of a partisan that he had

[1] Hurter's *Geschichte Ferdinands II.*, ix. 152–180.

conquered; it was in the spirit of a partisan that he would maintain the high place which he had gained. Therefore it was that the work which has now been accomplished by the Hohenzollerns fell to pieces in the hands of the descendants of Rudolph of Hapsburg.

If either of the two remaining Protestant Electors had been men of energy and decision, something might yet have been done to save the Empire from the obstinacy of Ferdinand and the pertinacity of Frederick. Unhappily both John George and George William were without earnestness of purpose or strength of will. They saw that they could not aid Ferdinand without countenancing the encroachments of the Catholic clergy. They saw that they could not aid Frederick without countenancing anarchy. After blustering for a few months they settled down lethargically into silence, well content if, as they fondly hoped, they could avert the ruin from their own dominions.

Weakness of Saxony and Brandenburg.

Utterly futile as was Frederick's notion of reconquering his position by Mansfeld's help, it was at least not so futile as James's notion of reconquering it by the help of Spain. Already Frederick had been begging his father-in-law for a large sum of money to enable him to take Mansfeld into his pay, and had been protesting vigorously against the plan for the sequestration of Frankenthal.[1] At last, on January 23, James vouchsafed him an answer. He had now, he said, received information from the Infanta, that she was ready to accept the sequestration on his own terms, and that she would engage to restore it if the negotiations for a general peace should come to nothing. It was impossible to preserve the town in any other way. As for Mansfeld, he wanted 500,000*l.* a year, and such a sum was not to be found in the exchequer. He was sorry to discover that his son-in-law had been listening to bad advice, and was giving ear to projects which were not likely to bring him any good.[2]

January. James proposes to Frederick the sequestration of Frankenthal.

Frederick was deeply annoyed by this letter. In his reply,

[1] Calvert to Carleton, Dec. 16, *S. P. Holland.*

[2] The King to Frederick, Jan. 22, *ibid.*

he recapitulated all the wrongs which he had suffered from the Emperor, and expressed an opinion that it was immaterial whether Frankenthal fell into the hands of Tilly or into those of the Infanta. He was quite ready to do anything that his father-in-law wished; but he must say that, in his opinion, a very small force would suffice for the relief of Frankenthal. No one could be more desirous of peace than himself; but peace was to be best won by arms. He certainly did not expect 500,000*l.* a year, but he hoped to have some smaller sum allowed him.[1]

February. Reply of Frederick.

From two such men what hope of success could possibly be entertained? Frederick's only notion of policy was by a succession of petty acts of brigandage to force the Emperor to beg his pardon for proscribing him. James's only notion of policy was to sit still whilst Spain induced Ferdinand to readmit the unrepentant Frederick to the Electorate. He was quite right, no doubt, in judging that it was useless to suppose that England was strong enough to overcome the resistance of Germany; but, in spite of his dissatisfaction with the incoherent schemes of his son-in-law, it never occurred to him to suggest that Frederick's abdication in his son's favour would be the shortest path to the pacification of Europe.

The only spot in the political horizon upon which the English opponents of the Spanish alliance could look with pleasure was the close of the long dispute with the Dutch Commissioners upon the East India trade. On January 25 an accord was signed, by which an indemnity, far less than was claimed, was assigned to the English Company,[2] and it was further agreed that the island of Pularoon, which had been seized by the Dutch soon after Courthope's death, should be given back to its rightful possessors, and that the English should be allowed to erect a fort in the neighbourhood of the rising town of Batavia.[3] Such agreements, unhappily, were of little worth. It had taken many

January Settlement of the East India disputes.

[1] Frederick to the King, Feb. $\frac{4}{14}$, *S. P. Holland.*

[2] *Add. MSS.* 22,866, fol. 466 b.

[3] Bruce's *Annals of the East India Company*, i. 235.

weary hours of hot debate to wring these concessions from a few cool and wary diplomatists.[1] What chance was there that they would still the strife which was once more waxing loud amongst the rude mariners and the sturdy factors of he two great companies in the East? Proud of the vigour with which they had driven the Spaniards from those wealth-producing shores, of their own maritime superiority and commanding position, the servants of the Dutch company never ceased to look down upon the English as interlopers. A rooted feeling of hostility on the one side, and of distrust on the other, made all real confidence impossible. Under these circumstances, the treaty of 1619, and the accord of 1623, could only serve to aggravate the evil, by bringing into close commercial intercourse the rivals whom it would have been wise to keep at the greatest possible distance from one another.

Similarity of the religious and commercial policy of James.

James's mode of dealing with the mercantile antagonism of the Netherlands was, in truth, an exact counterpart of his mode of dealing with the religious antagonism of Spain. In both instances, in spite of occasional inconsistencies, he looked upon bloodshed and contention as a hateful and unnecessary concomitant of the prevailing differences. On both these points his views were rather in accordance with those which prevail in the nineteenth century than with those which found credence in the seventeenth. But, with characteristic thoughtlessness, he leapt far too hastily at the conclusion at which he was anxious to arrive. To prepare the way for toleration, in order that toleration might in its turn give way to religious liberty, would have been a task which might well have taxed the energies of the wisest of statesmen. To lay down a territorial limitation for the possessions of England in the East, which might in time have led to the acquisition by England of a fair share in the trade of the Indian Archipelago, would have been an achievement which would have adorned the annals of the most illustrious reign. By grasping at too much, James ruined his own cause. He began at the end instead of at the beginning. He sought, not

[1] Aerssen's *Journal.* Aerssen's *Report. Add. MSS* 22,864-65-66.

merely to put an end to the strife between the two religions, by a gradual relaxation of the penal laws, but to bring them face to face in the closest and most intimate alliance of which human nature is capable; and, in the same manner, instead of contenting himself with seeing that the English Company and the Dutch Company did not come to blows, he attempted to fuse them into one under the most unequal and irritating conditions. The foundations of his work were laid upon the shifting sands, and were ready to be swept away by the returning tide.

Vere's reception.

For the present, however, nothing could be further from James's thoughts than the evil which was already knocking at the doors. The negotiations for the sequestration of Frankenthal were going gaily on, and Boischot, one of the Infanta's commissioners at the conference at Brussels, was to come over to England to agree upon the terms of its surrender. As if all danger of war had been thereby averted, Vere was ordered to disband the soldiers of the late garrison of Mannheim, which he had brought with him as far as Holland.[1] He was himself received in England with a full acknowledgment of his long and meritorious services.[2] At the same time, Chichester was honoured with a seat in the Privy Council.[3] Whilst, however, those who were the warmest advocates of a war policy were treated with respect, it was taken for granted that warlike preparations were entirely unnecessary. Orders were given to get ready a fleet of ten ships to fetch the Infanta home, and it was publicly announced that Buckingham, as Lord High Admiral, was to command in person.[4] There can be no better evidence of the want of earnestness with which the dark and threatening future was regarded than is furnished by the choice of a secretary. Naunton had at last been dismissed from office, though he was consoled with the promise of a grant of land,

Buckingham to fetch the Infanta.

Conway secretary.

[1] Calvert to Calverton, Dec. 28, 1622; Carleton to Calvert, Jan. 17, 20, 1623, *S. P. Holland.*

[2] —— to Meade, Jan. 31, *Harl. MSS.* 387, fol. 276; Chamberlain to Carleton, Feb. 10, *S. P. Dom.* cxxxviii. 23.

[3] *Privy Council Register*, Dec. 31, 1622.

[4] Chamberlain to Carleton, Jan. 4, *S. P. Dom.* cxxxvi[illegible]

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which was afterwards commuted for a pension of 1,000*l.* a year. This arrangement had first been made at the time when Buckingham had turned away from Spain; and he had then entreated for a respite on the ground that Lady Naunton was about to give birth to a child, and that she had in the preceding year been frightened into a miscarriage by a rumour that he was to lose his office. His prayer had been granted at the time; but the child was now born, and the father was able to tender his resignation without further anxiety. His successor was Sir Edward Conway, a man whose opinions, so far as he had any, had been usually supposed to be in favour of a close alliance with the Dutch. But it was soon understood at Court that he had in reality no opinions of his own. His thoughts as well as his words were at the bidding of the great favourite. In an age when complimentary expressions which in our time would justly be considered servile were nothing more than the accustomed phrases of polite society, Conway's letters to Buckingham stood alone in the fulsome and cloying flattery with which they were imbued. He had attracted much attention, and had caused some amusement, by his efforts to fasten upon the favourite the title of "Your Excellency," which had hitherto been unknown in England, and he afterwards scandalised grave statesmen, who were accustomed to regard the Crown as the only fountain of official honour, by addressing Buckingham as "his most gracious patron." Yet it was not so much by such trifles as these, as by the agility with which his views changed with every shifting fancy of the great man to whom he owed his office, that his utter want of independence of character was shown. Not, indeed, that he was, in any sense of the word, a bad man. He was not one of those who acquire power by cringing to the great, in order that they may enjoy the satisfaction of trampling upon the small. He was neither extortionate nor harsh. All that was amiss with him was that he had no ideas of his own, and that he was impressed by nature with the profoundest admiration for any feather-brained courtier who happened to enjoy the favour of the King.

Such was the man who was at once admitted to the strictest intimacy by James and Buckingham. Calvert was to remain

in London, to write despatches, to confer with foreign ambassadors, and to attend to the details of business. Conway was to be the private and confidential secretary, to move about with the Court, to convey the wishes of the King to his more experienced colleague, and to jot down, in his own abominable scrawl, whatever information it might please James to entrust to his keeping.

The news from Spain.

It is, indeed, intelligible enough that James should have been unwilling to admit any one of moral or intellectual superiority to his intimacy. Even Calvert, accustomed to obey orders as he was, could not avoid intimating that the time was come for a more decided policy in Germany ;[1] and though the news from Madrid was decidedly favourable to the prospects of the marriage, it required all James's supereminent power of shutting his eyes to the facts of the world around him not to see that, unless he could raise up a party in Germany for his son-in-law, all that Spain could do for him would be absolutely thrown away.

It was hardly possible that the day of disenchantment could be postponed much longer. If James succeeded in bringing the representatives of his son-in-law and of the Emperor to meet in a diplomatic encounter, even he might perhaps learn that diametrically opposite opinions are not to be reconciled by well-intended commonplaces ; and then, if not before, he would discover how little good he was likely to derive from his connection with Spain. Yet, foolish as James's policy was, there was a lower depth of folly to be disclosed. If the Spanish match and its accompanying advantages were a pure delusion, he had at least never projected anything so hopelessly insane as the scheme which had been gradually ripening in the mind of his favourite and his son.

[1] Expressions to this effect are constantly occurring in his correspondence with Carleton, *S. P. Holland.* I may take this opportunity of stating that it is quite a mistake to suppose that, because Calvert afterwards became a Roman Catholic, he was ready to betray English interests into the hands of the Spaniards.

END OF THE FOURTH VOLUME.

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